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ABSTRACT

This report presents statements, letters and supplementary material submitted in favor of a bill renewing funding for Chapter 1 of the Education Consolidation and Improvement Act. Testimony describes how successful the program has been and suggests how the bill can be changed and the Chapter 1 program improved. Among suggestions made are the following: (1) There should be substantial increases in research to discover what works in helping disadvantaged students. (2) Teacher professional development and minority teacher recruitment must be stimulated. (3) More schools must be eligible for school-wide projects. (4) Cap allowable carryover of funds should be 15% instead of 10%. (5) School districts should be allowed to make individual exceptions, based on the districts' assessment of the student, to the two-year limit on services to those who are needy but no longer most needy. (6) School board members should be included on regulators review panels. (7) The measures of low-income status which should be used should be specified. (PS)

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REAUTHORIZATION OF EXPIRING FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Chapter 1 of the Education Consolidation and Improvement Act

Volume 1

HEARINGS

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

H.R. 5 and H.R. 950

HEARINGS HELD IN WASHINGTON, DC,
FEBRUARY 26, MARCH 3, 5, and 10, 1987

Serial No. 100-2

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REAUTHORIZATION OF EXPIRING FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Chapter 1 of the Education Consolidation and Improvement Act (Volume 1)

THURSDAY, FEBRUARY 26, 1987

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 2175, Rayburn House Office Building, Hon. Augustus F. Hawkins presiding.

Members present: Representatives Hawkins, Goodling, Sawyer, Gunderson, Richardson, Grandy.

Staff present: John F. Jennings, counsel; Nancy L. Kober, legislative specialist; Beverly Griffin, staff assistant; Judith Billings, legal intern; Andrew Hartman, senior legislative associate; and Jo-Marie St. Martin, legislative associate.

Chairman Hawkins. The Subcommittee on Elementary, Secondary, and Vocational Education is called to order.

This morning, the subcommittee is initiating a significant series of hearings on expiring Federal elementary and secondary education programs. We begin, today, by undertaking the first comprehensive review in almost 10 years of the Federal Chapter 1 program for disadvantaged children.

Chapter 1 of the Education Consolidation and Improvement Act and Title I, its predecessor, have been the cornerstones of Federal aid to elementary and secondary education. Over the years, Chapter 1 has grown into one of our most worthy Federal education programs and has accumulated a record of success.

Just a few weeks ago, the effectiveness of Chapter 1 in serving disadvantaged children was again confirmed by an interim report of the Department of Education's National Assessment of Chapter 1. Based on this evidence, I am convinced that now is the time to build upon Chapter 1 by reauthorizing and expanding the program.

Congressman Goodling and I have introduced a bipartisan bill, H.R. 950, which will expand Chapter 1 with additional funding for new secondary and preschool initiatives while still providing continued opportunity for growth for the basic grant program. This proposal also contains provisions intended to encourage program improvement, strengthen parental participation and further concentrate funds on the most disadvantaged students and areas.

This morning, and for the next few weeks, we will be hearing the views of educational leaders about this proposal. We look forward to this testimony and, particularly, to the comments about how we can improve the bill. It is our intent to move forward this year on this bill and we will continue the efforts initiated 20 years ago to meet the special educational needs of disadvantaged children.

Mr. Goodling, do you have a statement at this time?

Mr. GOODLING. Thank you, Mr. Chairman. I would like to express my sincere appreciation for having the opportunity to be part of the reauthorization of Chapter 1. This program has enjoyed success by providing compensatory educational services to disadvantaged students in every part of the nation. It has been nearly 10 years since the Congress took a close careful look at the way Chapter 1 functions. I welcome the opportunity to revisit every aspect of the program.

Chapter 1 is a proven success; therefore, I do not believe we need to make any radical changes. However, times have changed over the 20 years since Chapter 1's inception. The country now faces a different economy and different demographic make-up. Chapter 1 can and will be a force in meeting these challenges proposed by these changes.

H.R. 950 is a good start for the reauthorization of Chapter 1. In it, we have included the Even Start Program. Even Start requires that projects build on existing resources in the community and are planned and operated in a coordinated fashion.

The program is designed to meet the literacy needs of parents and the early educational needs of their children. This is to be accomplished by assisting parents in becoming more involved in their children's educational development. I believe illiteracy is the number 1 problem facing our nation. A democracy must have an educated citizenry in order not only to survive, but to thrive. Our children are our future. They will inherit this great nation. We owe them the opportunity to have the ability to step into our shoes. We now hold that opportunity through the use of programs like Chapter 1.

Chairman HAWKINS. Thank you, Mr. Goodling. Since this is the beginning of the series of hearings, the Chair will obviously yield time to any of the other members who may wish to comment in any way, briefly, on the subject. Does any other member wish to comment?

If not, we will then ask the witnesses present to assemble at the witness table in the order in which I will call them: Mr. Albert Shanker, President of the American Federation of Teachers; Ms. Pearl Mack, Member of the National Education Association Executive Committee and a teacher at the Holmes Elementary School in Harvey, Illinois; Ms. Constance Clayton, Superintendent, Philadelphia Public Schools; and Mr. E. Harold Fischer, Vice President, Tippah County School Board, Blue Mountain, Mississippi. I almost said, "Missouri," myself. We welcome them.

Let us call on the witnesses in the order in which their names have appeared. Mr. Shanker, we are obviously very glad to welcome you. You have been before the committee, today, and we know the great contribution you have made and we look forward to your testimony. Thank you very much for appearing.

STATEMENT OF ALBERT SHANKER, PRESIDENT, AMERICAN FEDERATION OF TEACHERS

Mr. **Shanker**. Thank you very much, Mr. Chairman, members of the committee. You should have or, if you do not, you will, a copy of our written statement and we will be submitting additional material in writing. I will not read the statement. I would like to use this few minutes to make a number of points with respect to your proposed legislation with respect to Chapter 1.

First, I would like to point out that the evidence is very, very strong that the program has had a very great and good effect. For many years these programs are debated and they are debated and their effectiveness questioned because there is an expectation that there will be instant results in programs like these. We don't expect such results with our own children. We know that if they have problems, we are very grateful if they begin to show an interest in something, begin to do something and we know that it may take many years to see measurable results. And that is certainly the case here.

The initial measurements that were done years ago, we were measuring students who, by and large, went through schools before these programs were there and they had the benefit of the tail-end of the program or some of them were the beneficiaries of these programs in their early days when the monies first came to schools and the schools were not always instantly wise in the use of these monies.

But, if we look at the recent results of the National Assessment of Educational Progress and compare them with those of a little over a decade ago, we see that in that earlier evaluation in reading that on a national basis, the average black and Hispanic youngster who was still in school at the age of 17 was reading at the same level as the white 9-year old. And that after a little over a decade of some targeting—we must remember that not all of these youngsters had the benefit of Chapter 1—that that gap has been narrowed by one-half so that the average black or Hispanic youngster today, who is still in school and age 17, is now where the white 13-year old is.

Now, that is not where we want to end up and it is not where we ought to be, but in a relatively short period of time, to be able to narrow that gap—cut that difference by one-half, over the entire population of youngsters, when only a fraction of them have received the benefits of additional help, is very impressive indeed.

I want to strongly support some of the changes which you are contemplating. The recognition that we once had but was taken out that there ought to be some special treatment given to those schools where there are concentrations of target population.

The problems are quite different in schools where you have a handful of students who need this help who, in a way, benefit from an overall atmosphere of a school where there is learning going on and role models and an overall atmosphere which is conducive to learning as against the problems that you get when you get a concentration of youngsters, most of whom are behind or who are failing and where you somehow have to push the school to a point where there is a feeling that there is hope. There is a tremendous difference in what is needed, even though the youngsters may very well be the same in terms of their background of poverty and discrimination and in terms of what their reading and test scores show today. A student in one of those environments has the benefit of a generally positive environment, whereas in the other, you have got to turn the whole environment around. And the recognition that programs can be used schoolwide, I would say that, if anything, you ought to lower that threshold of 60 percent and make it a little easier.

Your proposal to move into earlier grades with Even Start, we would applaud. That, we think, is a very fine investment as the students get older and older, it is tougher to undo the damage, and the damage I'm talking about is what happens to a youngster who at a certain point gives up hope in himself, in his own ability to learn.

Now, all of us know that if we try to learn something, whether it is golf or tennis or swimming or Latin or whatever it is, if we try to learn it once and twice and three times and four times, there is a certain point where we decide it is not our game or not our subject or we just cannot do it. All of us, I think, have had that experience in one field or another. And that happens with children rather early. And if we get children coming into the third and fourth grade who have tried for two or three years and who have not—at the point, already feel that they are failures, we have to spend increasing amounts of money later on with results that will be—what we get from after that will certainly be much less.

It is not a reason to stop trying or stop making the effort, but it is a lot like—well, our philosophy in schools, it is a lot like the philosophy that we used in our industries that are not doing so well. The Japanese, if I read it right, try to make the car right in the first place. We tend to make it and then we have all these recalls. The recalls are always much more expensive than doing it right in the first place. And with human recalls, you have more than a mechanical problem to undo. You have the question of the willingness of the individual to cooperate. Without that cooperation, learning just does not take place.

Similarly, in spite of what I have just said about the fact that the payoff is less as you get older, when students have these supports in elementary school and then the supports are suddenly dropped in high school because the program does not extend there, we lose some of those students because they still need the supports so that the proposal to extend both upward and downward I think are extremely important.

Now, I would like to strongly emphasize the next point and that is the need for substantial increases in research. Now, I know that that was an Administration proposal last year and I hope that it was not a dislike of the current Administration or Secretary that led to not funding important programs, but the programs are important whether or not we have affection for the individual who is going to be responsible in the short term.

We need to know more about what works and what doesn't work. You will soon have recommendations from two groups. One is a national commission put together by the Education Department led by Tom James of Stanford and Governor Lamar Alexander on new proposals for the National Assessment of Educational Progress. And then you will have a review of those proposals by a committee of the National Academy of Education, which I am privileged to serve on. And what is needed is a pretty large expansion of the activities of the National Assessment of Educational Progress.

I think that all of you who have looked through the years asking questions as you try to place the money where it will work in programs that will do the most good, you know that you are constantly confronted with a wide variety of answers, many of them conflicting and much of the information we have in education is not very good for policy making. To get all sorts of lump figures that kids are on 3.6 or 9.2 and tons of material does not do very much. But the National Assessment has presented us with very valuable longitudinal studies. They are not just numbers. As a result of those studies, we know how many people in this country cannot read a stop sign or an exit sign. We know how many can read simple instructions. We know how many can read a complicated newspaper and how many cannot. And we also know the percentages who can read some technical materials. How many can solve two step problems in mathematics and how many can write a job application in which they offer some evidence on the basis of previous experience that they have some qualifications for the job. These are important.

It would be important if, when the National Assessment does this, it also had the resources to find out what kinds of books were used in those classes to see whether any particular program of instruction is better than another. What was the background of the teachers involved in various—with various students who were tested. Something about reading and discussion and television viewing practices at home, a whole series of things of that sort.

When the National Assessment first came along, the states were adamant. They wanted no state-by-state comparisons. Today, not only do states, but most leaders in the educational community now want comparisons not only a state-by-state basis, but even district-by-district and school-by-school, not for the purpose of developing some wall chart to say that somebody is better than somebody else, but so that we can get information on practices that work and practices that do not work.

So, I would very, very strongly urge that the research components, especially those that will lead to information which will help to strengthen educational practices and help to weed out those practices that are ineffective, that those be given your strong support.

Finally, I would ask that since we are in a period where we are beginning to take some long-term looks and Gramm-Rudman-Hollings, whether it works in the number of years it was supposed to or over a longer run, the nation has decided that there is a certain goal that is worthwhile and whether it takes a little longer or it is a little faster, we are going to accomplish budget balancing.

If we can do that with respect to budgets, why can we not do that with respect to Chapter 1? Why can we not say that within a period of a certain number of years we are going to have targets and over that period of time we will try to reach every single student who is Title I eligible with this program? Let us not just think about what we will do over one year or over two years. If we can adopt budget-balancing objectives, we ought to be able to adopt longer ranged objectives in education and then do our best to meet them. Thank you.

[Prepared statement of Albert Shanker follows:]

PREPARED STATEMENT OF ALBERT SHANKER, PRESIDENT, AMERICAN FEDERATION OF TEACHERS

Mr. Chairman and Members of the Committee: I am Albert Shanker, President of the American Federation of Teachers, an international union of more than 630,000 members. The AFT represents teachers, paraprofessionals and other classified school employees, all of whom have a great interest in your deliberations on the reauthorization of Chapter I of the Educational Consolidation and Improvement Act.

As everyone concerned with public education is aware, a major reform movement has swept our school systems. We in the AFT have welcomed this renewed interest in education because we believe our schools have been neglected and shortchanged far too long. The reform movement has succeeded in generating fresh ideas and resources at the state and local level. What has been missing from the education reform equation up until now is a constructive and vital federal role. Education will always be a state and local responsibility, but the federal government has a major stake in our system of education, and therefore a major role to play in the educational renewal now underway.

There have been times in our history when federal leadership in education made a significant difference. Prior to 1965, the single greatest involvement of the federal government in education came through what was known as the World War II G.I. Bill of Rights.

The G.I. Bill of Rights provided educational opportunities for millions of veterans who had served their country. The veterans, who took advantage of educational opportunities through the G.I. Bill that they would not otherwise have received, went on to enrich our national life in every way. It has been estimated that for every dollar spent on G.I. Bill education benefits, $14 was returned to the Federal Treasury through the increased tax collections which resulted from increased earnings. This 14 to 1 ratio, as astounding as it may seem, indicates that spending on education is an investment rather than a cost.

As we approach the 21st Century, it is again time to make an investment in education that will not only serve the students who benefit directly from it, but will also benefit our entire society. Unless we can utilize the contributions of virtually every member of the next generation, our country may cease to prosper and for the first time relinquish its leadership role. We know that in the years ahead there will be intense competition for college graduates because the generation coming of age is significantly smaller than previous generations. The Federal government has a major role to play in providing increased educational opportunities for all students and especially for those students who have traditionally been out of the college bound pool. If the Federal government does not fulfill its role, we may well be faced with an economy hamstrung due to a shortage of qualified people. All of the concerns expressed over American "competitiveness" will come to nothing without an educational strategy designed to reach students who have previously fallen by the way.

So far the Federal government's major contribution to education reform came in 1983, when the President issued the landmark report, A Nation At Risk. Since that time, American education has undergone an unprecedented examination of its shortcomings.

We in the AFT feel that scrutiny of American educational practices was overdue. Yet, pointing out shortcomings is not the same as helping to solve them. While we applaud President Reagan and his Administration for having started the ball rolling, I will say that in the almost four years since A Nation At Risk was issued this Administration has been long on rhetoric and short on money. This Administration has become expert at telling others what needs to be done while denying the Federal resources needed to help solve our educational problems. We note that the Administration's latest 28 percent education budget cut proposal has been justified in part by pointing out that an $11 billion education increase is projected from "other sources." We ask that the Congress address the issue of a proper Federal educational role, since it is clear that the Administration will not.

For the past six years, education has remained in the province of the Federal Government only because of bipartisan support in the Congress for a continued Federal role in education. We acknowledge the debt that education has to the members of this committee--Republicans and Democrats--who fought to preserve Federal programs at a time when the Administration aggressively sought ways to reduce or eliminate most education programs. H.R. 950 is another example of the bipartisan support that makes education such a unique enterprise. I congratulate Chairman Hawkins and Representative Goodling for the work they have done to bring H.R. 950 before this Committee.

While some of the pressing issues in education do not lend themselves to federal solutions, others, such as assuring access to quality education for the disadvantaged, are clearly appropriate for federal assistance. The major federal role, providing educational enrichment for the disadvantaged and the handicapped, is still unfulfilled. We believe that in the next two years Congress should focus its attention on improving programs such as Chapter I. The improvements contained in H.R. 950 are steps in the right direction.

The AFT recommends that attention be paid to restoring and expanding the Chapter I program, whch has been hamstrung over the past six years by pressures generated by the budget deficit. I urge that Chapter I be reauthorized and enhanced. The financial support of compensatory education provided by Chapter I is crucial to our country if we are to meet the challenges that confront us. Data proves that disadvantaged students who have been fortunate enough to attend a Head Start program and a Chapter I program do significantly better in school than their peers who were not able to participate in these programs. We recommend that Chapter I be expanded to create a preschool education program to function alongside the Head Start program so that every child who is educationally at risk will be assured of a good start in school We note that H.R. 950 provides an authorization to start a preschool program, the so called "even start" proposal, and we support this beginning, although we would like to see more than $25 million authorized to begin this needed initiative.

Chapter I is virtually non-existent at the high school level. Research tells us that gains made in the Chapter I program are partially lost when students go on to high school and lose the support Chapter I provides. We therefore support the establishment of Chapter I programs at the high school level. A phase-in may be required if budgetary restraints so require, but within three years we urge a full Chapter I program for high school students in need of such a program. We strongly support the provision in H.R. 950 that establishes Chapter I in the secondary schools.

Schoolwide Projects--Concentration Grants

We recommend that schools with 60 percent or more disadvantaged students be allowed to run Chapter I Compensatory Education programs schoolwide. The requirement for 50% matching funds from local school districts in order to run a compensatory program schoolwide is too high. We recommend a lower figure and support the use of Chapter I Concentration Grants for the matching funds. The schoolwide approach should be tried; it could result in programs that have an economy of scale which permits a more coordinated and comprehensive approach to compensatory education. AFT strongly supports the new Concentration Grants program. Enactment of the new Concentration Grant is one of our highest legislative priorities. The AFT also recommends a major evaluation of the Chapter I program to help focus compensatory education programs on the strategies that work best.

In addition to supporting educational enrichment for the disadvantaged, the federal role in education for the rest of this century must include a greatly expanded and improved research function. A small but necessary investment in the research capability of the Department of Education is needed to make sure that efforts to assist disadvantaged students do not founder because of a lack of qualified teachers or a misunderstanding of the real problems faced by our school systems.

We in the AFT are hopeful that H.R. 950 with its new preschool and secondary school focus will have a positive effect on one of the AFT's greatest concerns, the problem of dropouts. We know what happens to the lives of students who do not finish school, yet nothing is being done on a national level that would help school districts meet their dropout problems head-on. In addition to the new Chapter I provisions, we ask that more research be done on the dropout issue. Expanding the research capability of the Department of Education is a must in the fight against dropouts.

In a similar vein, there is much controversy about teacher shortages over the next ten years. Some have offered the opinion that there may not be a teacher shortage at all. All the facts available to the AFT indicate that a teacher shortage is imminent. A strengthened federal research effort is needed to make sure that education policymakers know what they must do in the teacher training area.

Non-Public Schools

The AFT supports the provision in H.R. 950 that authorizes $30 million to help pay the costs resulting from the Supreme Court's *Felton* decision. Our union has long supported compensatory education for needy children who attend non-public schools. We realize that the additional costs of providing assistance due to *Felton* are burdensome and should be offset.

We are pleased to see that H.R. 950 does *not* contain the voucher plan sought by the Administration. Vouchers have a surface appeal that disappears when the practical matters of how to make a voucher fair and effective are examined. To the AFT, a voucher is essentially the same as a Tuition Tax Credit, except that in the case of Chapter I, vouchers would undermine a program that works. Vouchers are not a method of improving compensatory education and we strongly support your decision to keep vouchers out of H.R. 950.

The reauthorization of Chapter I is crucial to any effective strategy for our nation's schools. If our nation is to continue its leadership role in the world we must take steps now that will maximize the contribution of all our citizens.

As I pointed out earlier in this statement, education is an investment that pays dividends to our country. Now is the time to make sure our investment is adequate to meet the great challenges ahead. Education is the key to global competitiveness, military strength and domestic prosperity. The 100th Congress must reaffirm our nation's long tradition of commitment to education and thereby to our nation's future. H.R. 950 is an important step toward fulfilling both the federal commitment to education and our nation's needs. The AFT is in the process of formulating a full package of recommendations for H.R. 950 and for other education programs that must be dealt with in this Congress. We would like to submit them for this hearing record at a later date.

Thank you.

Chairman **Hawkins**. Thank you, Mr. Shanker. The next witness is Ms. Pearl Mack, the National Education Association. Ms. Mack, we welcome you.

STATEMENT OF PEARL MACK, HOLMES ELEMENTARY SCHOOL, HARVEY, IL

Ms. **Mack**. Thank you. Mr. Chairman, members of the committee, I am Pearl Mack, fourth grade teacher in Harvey, Illinois and as such I am extremely pleased to be able to come before you and give testimony, having worked with——

Chairman **Hawkins**. Would you pull the microphone a little closer to you, please?

Ms. **Mack**. Thank you.

Chairman **Hawkins**. Thank you.

Ms. **Mack**. Having worked in two schools where in fact Chapter 1 funds were available. In addition, I also serve as an Executive Committee member of the National Education Association's 1.8 million membership. In that membership, we represent elementary, secondary, vocational school teachers, education employees and higher education faculty and staff.

H.G. Wells' admonition, "Civilization is a race between education and catastrophe," goes to the very heart of the matter with which we must deal. Our nation has the highest standard of living of any society in history. But if we ignore the millions of American children whose educational needs are still not met, we set the stage for catastrophe.

Education is the foundation of economic opportunity, social justice, national security, growth, and advancement. To secure this foundation, we must elevate the weakest, most vulnerable, and the most economically deprived among us. One way in which to do this is by continuing and expanding the Chapter 1 program.

The Chapter 1 compensatory education program for disadvantaged students is among the most important and effective education programs devised and supported by the Federal government. Successive evaluations have all confirmed that Chapter 1 programs contribute significantly to greater academic achievement for its participants. Yet, in order to sustain students' academic progress, it is essential that we maintain a consistent effort over a long period of time. As a partner in the development of the Elementary and Secondary Education Act of 1965, NEA believes the enactment of the Special Education Needs Act of 1987, H.R. 950, is a vital step in assuring quality education for America's disadvantaged students.

The remarkable success of Chapter 1 rests on the fact that it addresses the very problem that led to low academic achievement, deficits in vocabulary and reading readiness, deficits in learning resources in the home, and limited resources available to schools in areas where disadvantaged students live.

Some districts in economically depressed areas need Federal assistance to attract and retain excellent education employees. They need it in order to acquire and maintain quality education equipment and materials and to develop curricula that challenge students.

My school district is one example of many in Illinois having had children who have benefitted from the Chapter 1 program. In particular, I would like to cite that one of my former students who is an Hispanic student entered six years ago very limited ability in English language. Fortunately, we did have an ESL program and fortunately we were a school entitled to Chapter 1 funds. That student was able to get the benefit not only of a normal curriculum, but the additional help he needed. I keep up with my students. He is now in high school feeling very much more secure in the academic setting and has gone on to run for student counsel position, of which he was very proud to tell me about. This is only one example of over the 26 years that I have been in the district that I can cite to you.

Unfortunately, higher standards are being set with the expectation that this will lead to remediation for the disadvantaged. But, as a practicing classroom teacher, I must tell you that without resources and mandated commitment to meeting the needs of the disadvantaged, their needs will go unmet. Again, the most prominent deficiency of Chapter 1 is the lack of adequate resources to serve all eligible students. Even with recent increases in Chapter 1 only about one-third of the eligible students have access to this program.

The disadvantaged student population is growing at a rate more rapid than the rest of the population. One-fifth of all school-aged children are now at or below the poverty line. Students at risk, because of economic deprivation, limited language skills, or other obstacles to educational achievement, are estimated to be at least 30 percent of all school-aged children today, and they are projected to become the majority of our school-age population by the turn of the century.

Without educational intervention, these students at risk face lives of despair. Our answer to their needs should be to provide funding levels necessary to serve all students who can benefit from these programs. Not to limit access by establishing a narrower standard of eligibility, as the Administration proposes.

Congress must provide sufficient resources to maintain Chapter 1 services at their current level; but Congress should also take immediate steps to provide the resources such that the educational needs of all children eligible for Chapter 1 are met. We believe that as long as there are American children who must overcome economic deprivation or other educational disadvantages, Chapter 1 should be permanently authorized.

Any voucher proposal would undermine the relationship between families and schools by mandating what we perceive a "love it or leave it" policy for school districts. It would send a message to parents that the only way you can influence your local school is to vote with your feet. There are effective established methods for parents to communicate their needs and concerns to schools, and we urge their usage. Further, we believe that Federal laws must be consistent with the Constitutional separation of church and state, and therefore, public funds should be spent for public schools; private funds for private schools.

Throughout our history, NEA has stood for and advocated educational partnerships. We believe that excellence and equity in education will be possible only through a true partnership of Federal, State, and local resources. We believe that schools are the most important institution in any community, and that schools should be involved in communities and communities in the schools. We know that America's children are best served through cooperative efforts of schools and families. And H.R. 950 speaks to all these ideals.

Chapter 1 must be provided the necessary resources—both dollars, people and time, to accomplish its goals to provide assistance to disadvantaged students that will help make them successful in school as well as in life. It is an educational goal that serves a higher goal—taking American forward into the next century and beyond. It is a race we cannot afford to lose. It is achievable, Mr. Chairman, and that is why we must continue to work together until all children cross that finish line. Thank you very much.

[Prepared statement of Pearl Mack follows:]

PREPARED STATEMENT OF PEARL MACK, HOLMES ELEMENTARY SCHOOL, HARVEY, IL

Mr. Chairman and Members of the Committee:

I am Pearl Mack, a fourth-grade teacher in Harvey, Illinois. In addition, I serve as an executive committee member of the 1.8 million-member National Education Association which represents elementary, secondary, vocational school teachers, education employees, and higher education faculty and staff. I am pleased, on behalf of our members, to have the opportunity to speak with you today about an issue of great importance to all of us and one which impacts on the future of our nation. This testimony is intended to supplement testimony provided by NEA at the hearing held before this committee in Birmingham, Alabama, as well as written comments NEA provided in response to a request by Chairman Hawkins and Representative Goodling. We are pleased that H.R. 950, the Special Education Needs Act of 1987, reflects our mutual commitment to the goals expressed in our earlier comments.

H.G. Wells' admonition, "Civilization is a race between education and catastrophe," goes to the very heart of the matter with which we must deal. Our nation has the highest standard of living of any society in history. We are a nation with aspirations for continued progress in the future. We have not only the vision, but also the resources, the energy, and the creativity to make that progress. Yet if we ignore the millions of American children whose educational needs are still not met, we set the stage for catastrophe.

Education is the foundation of economic opportunity, social justice, national security, growth, and advancement. In order to sustain the kind of opportunity, security, and advancement the American people expect, it is imperative that we build a strong foundation. To secure this base we must elevate the weakest, most vulnerable, and most economically deprived among us by continuing and expanding the Chapter 1 program.

The Chapter 1 compensatory education program for disadvantaged students is among the most important and effective education programs devised and supported by the federal government. Successive evaluations of the Chapter 1 program have all confirmed that the special assistance provided to economically and educationally disadvantaged students in Chapter 1 contributes to significantly greater academic achievement for these students than would be possible in the absence of such assistance.

According to a National Institute of Education study, Chapter 1 participants made achievement gains of from one-half to a full grade higher than would be expected in the absence of Chapter 1. More recently, the U.S. Department of Education's Office of Educational Research and Improvement reported that disadvantaged students have displayed significant achievement gains relative to the general population since 1965, with the strongest gains among Black and Hispanic students and those living in disadvantaged urban areas. OERI reported that a trend in declining achievement scores on a variety of tests actually began to reverse itself with children who entered school in about 1968, notably three years after Congress passed the Elementary and Secondary Education Act.

Indeed, since 1965, federal compensatory education programs have not only expanded educational opportunities, but they have expanded access to every endeavor of the American people. As the authors of the OERI report point out, however, it is essential that we maintain a consistent effort over a period of years in order to sustain students' academic progress.

As a partner in the development of the Elementary and Secondary Education Act of 1965 -- precursor of Chapter 1 of the Education Consolidation and Improvement Act of 1981 -- NEA believes that the Special Education Needs Act of 1987, H.R. 950, is a vitally important step in assuring quality education for America's disadvantaged children.

Chapter 1 is the cornerstone of the federal effort to provide quality educational opportunity to all American schoolchildren. The remarkable success of Chapter 1 rests on the fact that it addresses the very problems researchers agree lead to low academic achievement. First, disadvantaged students arrive at school with learning deficits in vocabulary and reading readiness. Improving language skills is one of the primary focuses of Chapter 1. Second, the learning resources in the homes of disadvantaged students are often inadequate to support the educational programs of the schools and to sustain normal education progress. Chapter 1 helps give these students access to materials that will support the learning process. Third, disadvantaged students most often live in areas where the schools lack the programs and resources to overcome these shortcomings. Chapter 1 is directed to these very schools.

NEA strongly supports the provisions of H.R. 950 to improve specific areas that require the greatest attention, particularly the new authorizations for secondary school programs, pre-school programs, and concentration grants to expend additional funds on the neediest local school districts. We also support the provision to allow schools with high concentrations of poor children to use Chapter 1 funds to elevate the quality of entire school systems, although we recommend a lower threshold for triggering this flexibility.

In order to build and maintain educational excellence, school districts in economically depressed areas need federal assistance. Attracting and retaining excellent education employees, acquiring and maintaining quality educational equipment and materials, and developing and renewing curricula that challenge students are all important to schoolchildren regardless of their backgrounds.

In recent years, state and local governments have taken a number of steps to upgrade the quality of schools as a whole. A major component of this education reform effort has been setting higher standards -- particularly at the secondary level. But in the absence of explicit efforts to improve learning among the disadvantaged, some of the general reforms may actually create new obstacles. We cannot allow the education reform movement to limit our efforts to fully meet the academic and human needs of a growing segment of our nation's population.

Higher standards are being set with the expectation that this will lead to remediation for the disadvantaged. But, as a practicing classroom teacher, I must tell you that without the resources and mandated commitment to meeting the needs of the disadvantaged, their needs will go unmet. Unfortunately, the most prominent deficiency of Chapter 1 is the lack of adequate resources to serve all eligible students. According to U.S. Department of Education figures, about 1 million fewer eligible students were served in Chapter 1 programs in 1985-86 than in 1979-80. Even with increases provided for the 1987-88 school year, only about one-third of the eligible students have access to Chapter 1 programs.

The disadvantaged student population is growing at a far more rapid rate than the rest of the population. As just one indicator, one-fifth of all school-aged children are now at or below the poverty line. Students at risk, because of economic deprivation, limited language skills, or other obstacles to educational achievement, are estimated to be at least 30 percent of all school-aged children today, and they are projected to become the majority of our school-age population by the turn of the century.

Without educational intervention, these students at risk face lives of despair, without prospects for employment or advancement in any area. Research shows that low educational achievement has a high correlation with dropout rates, teenage pregnancy, unemployment coupled with underemployment, and antisocial behavior, including crime. All of these circumstances carry with them tremendous costs to our society, both in terms of public financing of remedial social programs and in terms of our nation's quality of life.

In the absence of a significant investment in education, our nation faces the inevitability high unemployment, low productivity, and a decline in government revenues at the same time there is an increase in demand for programs to remedy those social needs.

Our answer to fully meeting the needs of disadvantaged students is not to limit access by establishing a narrower standard of eligibility, but to expand access by providing funding levels necessary to serve all students who can benefit from these programs. Not only must Congress provide sufficient resources to maintain Chapter 1 services at their current levels, but Congress should also take immediate steps to provide the resources such that the educational needs of all students eligible for Chapter 1 can be met. We believe the importance of Chapter 1 dictates that as long as there are American children who must overcome economic deprivation or other educational disadvantages, Chapter 1 should be permanently authorized.

Successful Chapter 1 programs depend on coordination and cooperation, and NEA supports provisions in H.R. 950 for federal-local partnerships to help school districts develop and reward quality programs. We are deeply concerned that the matching requirements called for in the incentive and innovation programs could prohibit the implementation of programs where they are most needed. In computing matching funds, the guidelines should, at a minimum, take into consideration non-cash resources, such as equipment and materials. And, if required, matching formulas should allow the inclusion of other federal funds, such as Chapter 2.

Local schools can benefit from the materials, training, and other assistance provided by education agencies at other levels. Consequently, we must ensure that, as much as possible, state and federal education resources are provided directly to local school districts. We believe an appropriate role for the states is to monitor and provide technical assistance to upgrade Chapter 1 programs. But learning takes place in individual classrooms and schools, not in state or federal education agencies. Given adequate resources and support systems, locally controlled programs are best equipped to be accountable and responsive to the students and families they serve.

NEA applauds the provisions of H.R. 950 that require establishing policies for encouraging parental involvement. In addition, providing parents with the knowledge and resources to enrich learning is an excellent strategy for sustaining the achievement gains of disadvantaged students. Programs to provide parents with appropriate supplemental learning materials create an ongoing resource for their children. Empowering parents to assist their children is important for creating supportive attitudes among parents and children about the central place of education in their lives. Further, inservice training for teachers is a vital element in enhancing communications and developing closer working relationships between practitioners and parents.

The voucher proposal advanced by the Administration would undermine these relationships. The compensatory education certificate proposed by the U.S. Department of Education would mandate a "love it or leave it" policy for school districts. It would send a message to parents that the only way you can influence your local schools is to vote with your feet. There are effective, established methods for parents to communicate their needs and concerns to schools, and we urge their usage. We support those institutions and strategies that empower families and communities to improve individual programs and individual schools, as well as whole school districts.

Further, we believe that federal laws must be consistent with the Constitutional separation of church and state, and therefore public funds should be spent for public schools; private funds for private schools.

Throughout our history, NEA has stood for and advocated educational partnerships. We believe that excellence and equity in education will be possible only through a true partnership of federal, state, and local resources. We believe that schools are the most important institution in any community, and that schools should be involved in communities and communities in the schools. We know that America's children are best served through cooperative efforts of schools and families. H.R. 950 speaks to all of these ideals.

Chapter 1 must be provided the necessary resources -- dollars, people, and time to accomplish its goal of providing assistance to disadvantaged students that will help make them successful in school and in life. It is an educational goal that serves a higher goal -- taking America forward into the next century and beyond. It is a race, Mr. Chairman, we cannot afford to lose. It is achievable, Mr. Chairman, and that is why we must continue to work together until all children cross the finish line.

Thank you.

Chairman HAWKINS. Thank you, Ms. Mack.

The next witness is Constance Clayton, Superintendent of Philadelphia Public Schools. Ms. Clayton, we welcome you. You and I have been talking about this thing for almost two decades, it seems to me. It is nice to have you come back to the committee and we look forward to your testimony.

STATEMENT OF CONSTANCE E. CLAYTON, SUPERINTENDENT, SCHOOL DISTRICT OF PHILADELPHIA

Ms. CLAYTON. My name is Constance Clayton, Superintendent of the Philadelphia Public Schools. And I am pleased to testify today on behalf of The Council of the Great City Schools. I thank the committee and its esteemed Chairman for the opportunity to testify today on this crucial piece of Federal legislation, H.R. 950.

Currently, in its 31st year, The Council of the Great City Schools is a national organization comprised of 40 of the nation's largest inner-city public school systems. Our leadership is comprised of the Superintendent and one Board of Education member from each city, making the Council the only education group so constituted and the only one whose membership and purpose is solely urban.

The Council's membership serves about 4.5 million inner-city students, or approximately 11.3 percent of the nation's public school enrollment. About 32.3 percent of the nation's black children, 26.8 percent of Hispanic children and 20.1 percent of the nation's Asian children are being educated in our schools. Almost one-third of our enrollments are of children residing in families receiving public assistance, and about 80 percent of our children are eligible for a free or reduced price lunch each day.

Mr. Chairman, I would like to devote my testimony this morning largely to H.R. 950, The Special Educational Needs Act of 1987, but also to several of the other elementary and secondary education programs that the committee may reauthorize this year. Before I begin, however, I would like to take this opportunity to congratulate the Chairman of the Committee, the Honorable Augustus Hawkins and the subcommittee's ranking member, the Honorable William Goodling, from my own home state of Pennsylvania, for the superb job you have done in crafting the legislation before us today. At this time, I would also like to give this bill the enthusiastic endorsement of the Council of the Great City Schools.

The futures of a great number of our inner-city school children across this nation will be brighter because of the promise extended in this bill. As you know, Mr. Chairman, our urban school systems have been fighting an up-hill battle since 1980 to maintain the Federal government's financial commitment to our schools and to the children we are privileged to serve. This new legislation is the first since the reauthorization of Title I in 1978 that the Federal government has sought to exercise the leadership and to provide the support that is so essential if we are to ensure efficient, effective and achieving schools for all of our children.

We are particularly pleased to see this new legislation plow new ground in the areas of targeting, preschool education, secondary school improvement, achievement incentives, accountability, flexibility, parental involvement, private school programming and other areas. The Council of the Great City Schools submitted an extensive set of proposals to the Chairman at the beginning of the year. We are pleased that you gave so much consideration to our ideas and that so many have been incorporated into the bill.

Mr. Chairman, at this time I would like to highlight several of the features of H.R. 950 that we as urban school systems find particularly positive and that we would like to see retained through the authorization process.

One: Concentration Grants (Sec. 106). First, we are most gratified that H.R. 950 contains an automatic triggering of the Chapter 1 concentration grants with the next $400 million in appropriations to LEAs. These new grants will clearly respond to some of the recent national reports showing that Chapter 1 funds are not closely enough targeted on the neediest areas.

As the Chairman knows, the current distribution formula sends Chapter 1 dollars to nearly every school system in the nation. A poor child in a wealthy area of a state generates as much funding as a poor child in a poor district. While poverty among children in any locale has devastating effects, the research clearly shows that a poor child surrounded predominantly by other poor children has far greater academic needs than a poor child surrounded by those more fortunate. Low achievement among children is far more entrenched and difficult to reverse when the depth and extent of poverty is so great and so concentrated.

The Council's own data suggests that the decline in targeting of Chapter 1 funds on the neediest areas may, in part, be due to the elimination of concentration grants in fiscal year 1982, the 1982-1983 school year. Between fiscal year 1980 when concentration grants were funded at only $100 million, in fiscal year 1982, when the grants were eliminated, the urban school share of the total Part A Federal appropriation dropped from 23.0 percent to 21.5 percent, an net loss in fiscal year 1982 of $39.1 million, over and above the losses felt because of the budget cuts that year.

The Council of the Great City Schools supports the base portion of the current formula because its broadness contributed to the political support the program enjoys and because poor children everywhere deserve assistance. We would, therefore, resist attempts to tamper with it even if the proposals for change in the base formula worked to our fiscal advantage. Conversely, we believe additional funding to concentration grant-eligible districts (nearly half of the LEAs in this nation) does not work to the disadvantage of non-eligible districts but rather helps protect funding for all by protecting the program from charges of ill-targeting.

Two: School-Wide Projects (Sec. 115). We favor the proposed changes in the school-wide projects provision of Chapter 1. While the Council would like to see eligibility be dropped from 75 percent to 60 percent, we are particularly happy about the deletion of the matching provision and the new accountability requirements.

In general, the matching requirement did not bring new monies into the schools but acted instead as a disincentive to setting up school-wide efforts. The new accountability section should, on the other hand, act both as an incentive to greater achievement and as a protection against possible dilution of funds. This latter point is important in considering the lowering of the 75 percent threshold, for if children in an eligible school-wide projects site are outperforming their Chapter 1 counterparts in non school-wide sites, then it would seem to make little difference that the money had gone for school improvement rather than for student improvement. In addition to having to achieve better than the average to stay eligible, this new accountability provision may serve as a test of the efficacy of school-wide improvement approaches. The Council strongly supports this new provision.

Three: Innovation Projects (Sec. 111b). The Council is very much in favor of the new provision to permit a LEA to use (with SEA approval) up to 5 percent of their allocations for innovative projectives. The possibility of using these funds for incentives for achievement is particularly attractive and has the potential of both stimulating progress and sustaining the efforts, the effects of the program for otherwise ineligible children. The new provision has the advantages of addressing the criticism that the program fails to provide incentives for success and of generating renewed enthusiasm for experimentation in a program whose regulatory constraints sometimes dampen innovation. In general, the Council is pleased to see in this bill both new accountability and new flexibility in operations.

Four: Private School Participation (Sec. 117d). The council believes that the bill's new provision authorizing $30.0 million for capital expenses to improve access to services for private school children is a positive step in solving the problems arising from the Supreme Court's decision in the case of *Aquilar* v. *Felton*. We are hopeful that the provision will help ease the financial strain caused by our attempts to serve private school children in a constitutionally correct manner. Serving these children has been expensive, indeed. In our own City of Philadelphia, for instance, we serve approximately 9,828 Chapter 1 private school children at 54 schools prior to the Court's decision. The State of Pennsylvania granted the Philadelphia schools a one year delay in providing off-premises services last year. To serve just 5,000 such children this year at 49 sites, we spent about $36,840 a van for 65 vans and we include the cost of security, telephone, gas and drivers. We have spent $3.6 million.

Five: State Regulations (Section 191). The Council is also pleased with the new provision of the law requiring that the state regulations of the Chapter 1 program be reviewed first by a committee comprised mostly of local school representatives. While the Federal government has generally attempted to ease regulations over the last few years, state agencies have not. We are not opposed to this burden, per se, except that many of these regulations are not only inconsistent from one state to another, but are often at odds with Federal law and Congressional intent.

Some state regulations ban Chapter 1 services at certain grade levels or mandate certain delivery systems well beyond the current law. H.R. 950 would not necessarily solve the problem of regulatory inconsistency from one state to another, but would be helpful within each state in ensuring that the regulations meet Congressional intent.

At a later date, Mr. Chairman, I, as Superintendent of the Philadelphia Public Schools, will be submitting a set of proposals to Congress to deregulate Chapter 1 on a broader scale in areas of highly concentrated poverty. More so than dollars; little works as well as an incentive to school systems as flexibility in programming. Our proposals will use this flexibility in programming and administration as an incentive or reward for school achievement.

Six: Preschool and Secondary School Services (Parts B and C). The Council is pleased to see the committee propose expanding Chapter 1 services for preschool and secondary school youth. Our initial hope was that Congress would authorize considerably more spending in each area but we are pleased that this committee is laying the groundwork for the level of commitment that is needed. Mr. Chairman, I can strongly attest to the benefits that early childhood intervention preschool education and early parental involvement has in a child's learning. The Philadelphia school system operates one of the largest early childhood intervention programs in the nation. The children from these programs enter the first grade in better health and with stronger reading readiness than other such children. We also find greater parental participation. I am very pleased with our successes in this effort and would be pleased to share with the committee our program description and evaluation results.

In addition, we are pleased with the secondary schools component of H.R. 950. Not only is the funding level of the base Chapter 1 program not large enough to expand much into the middle and high schools, but the very functioning and scheduling of most high schools do not lend themselves to Chapter 1. At this point, I would like to voice two concerns about the authorization, both of which are related. Because the program will likely be administered through SEA Chapter 1 departments, we are likely to see Chapter 1-type constraints that are more appropriate in the elementary grades and we are likely to see restrictions on the kind of services that secondary school students need, for example, non-instructional services: counseling, social workers, and support to keep young people in school.

In general, however, this well-targeted secondary schools component of the bill appears to be a step in the right direction. Our high schools, particularly in our inner-cities, are in tremendous need of support and improvement.

Number 7 of the provisions: Finally, Mr. Chairman, I would briefly like to highlight items that are not in H.R. 950 and should continue not to be. First and foremost, we are pleased that the bill does not contain vouchers or certificates of any form. Secondly, we are pleased that the bill does not contain any expansion of state regulations, administration or technical assistance. We see no evidence that such expansion is needed. Finally, we are pleased that the bill does not contain requirement for individualized education plans. The cost of such plans would come directly from direct services to our children.

Mr. Chairman, I would also like to take this opportunity to address four related matters currently outside the purview of H.R. 950. The first is the Magnet Schools Assistance Act. While my own district does not have one of the grants under this program, we have reapplied for what all of my school colleagues describe in nothing but glowing terms. We would like to thank Congressman

Dale Kildee for his advocacy on behalf of this program and for his leadership in sponsoring an expanded and improved version of the program and hope the committee will build his bill into the overall authorization package.

Secondly, we would like to thank Congressman Charles Hayes for his advocacy and leadership in sponsoring the School Dropout Demonstration Act. This legislation is important on two fronts: it will allow LEAs to deliver the types of services that it may be unable to under the secondary schools component of the current H.R. 950, and it will provide national demonstrations for programs that might later be implemented with H.R. 950. We are hopeful that Mr. Hayes' legislation or salient components of it might be incorporated into H.R. 950 or preferably that the bill will be passed separately.

Third, Mr. Chairman, I would like to call your attention to a problem that has existed for two years and requires committee action. When Congress passed the Carl Perkins Vocational Education Act in 1984, it included a matching requirement that was totally unworkable. The committee attempted to correct the problem in technical amendments passed in 1985. Unfortunately, both the Department of Education and the state agencies have ignored the technical corrections. The result is that many of our schools continue to lose millions of dollars in vocational funds for the disadvantaged. We urge the committee to revisit the issue during the reauthorization process, even though that law is not scheduled for renewal.

Fourth, I would like to urge the committee to examine the issue of teacher training and recruitment during the reauthorization process. Most of our big city school systems will experience major shortages of teachers in the near future. Not only must teacher pay be increased to attract quality teachers, but their professional standing must be enhanced as well. The Council has submitted a set of proposals to Congress on teacher professional development and minority teacher recruitment that we hope will stimulate additional debates and action on the issue.

Mr. Chairman, I would like to conclude my testimony by thanking you and Mr. Goodling for the superb job you have done on this legislation. The Council has included a listing of technical changes it would like to see considered. And we will be prepared to respond to any questions you may wish to raise. Thank you very much.

[Recommendations for technical changes in H.R. 950 submitted by Constance Clayton follow:]

RECOMMENDATIONS FOR TECHNICAL CHANGES IN H.R. 950

Submitted by
The Council of the Great City Schools

1. Amend Section 105 by incorporating Section 106 (b) and 106 (d) into basic Chapter I distribution formula. Delete language in 106 (a) relating to purposes of concentration grants and 106 (c) relating to payments and use of funds.

   The purpose of this technical amendment would be to increase the overall targeting of Chapter I funds by removing the distinction in the Act between base funding and concentration funds. The amendment would not change the way funds are distributed under H.R. 950 but would clarify Congressional intent to target funds more closely on needy children as an integral part of the bill.

2. Amend Section 111 (c), line 7, by adding the following new sentence: "Funds within the percentage limitations of Section 173 (b) shall not be considered for the purpose of this subsection."

   The purpose of this technical amendment would be to clarify that only those funds in excess of the carryover limitations specified by Sec. 173 (b) could be reallocated by the SEA for program improvement and technical assistance. The present language is somewhat unclear on this point.

3. Amend Section 112 (b) (3), lines 4 and 5, by deleting the words "frequent and regular."

   The purpose of this amendment is to delete ambiguous terminology in the Act that may invite excessive state regulatory activity, not to undermine the positive intent of the paragraph itself. This new language in Chapter I is a much needed Congressional call to coordinate the curricula of Chapter I with that of the regular instructional program.

4. Amend Section lle (b) (5), line 9, delete all after the word "for" and insert in lieu thereof "two additional fiscal years even though it does not otherwise qualify."

   The purpose of this amendment is to grandfather served schools for two rather than a single year and to ensure that because of the reference to "two preceding fiscal years" that a school is not deleted for one year while waiting to return to eligibility.

5. Amend Section 113 (c) (2), line 16, by deleting the sentence beginning with "Any funds" and ending with "under Section 114."

   The purpose of this amendment is not to be able to serve clearly ineligible children but for the purposes of this subsection it is not clear what an eligible grandfathered child is. The Act may need to be clarified to state whether children must continue to be below the 50th percentile to be grandfathered or could be over it.

6. Amend Section 114 (f), lines 12 to 15, by deleting the clause beginning with "and who" and ending with "educationally deprived."

   The purpose of this amendment is similar to the previous one. For purposes of grandfathering of individual children, the Act is unclear as to whether students previously served and now over the 50th percentile in one or more subjects are eligible for services. It is also unclear whether the subject in which the child is over the 50th percentile must match the Chapter I subject being offered for purposes of grandfathering.

7. Amend Section 115 (a), line 6, by deleting "75 percent" and inserting in lieu thereof "60 percent."

> The purpose of this amendment is to make eligible for school-wide projects more schools. The Council is in the process of gathering data about the exact impact of this proposed change, but preliminary data indicate that the proposal would not significantly dilute funding of Chapter I. At the current 75 percent level, many schools in poor cities with long0standing desegregation orders are ineligible because poverty is spread so uniformly across the city but not necessarily at a level as high as that in current law. The Council believes that the bill's accountability clause ensures the success of those school-wide efforts.

8. Amend Section 116 (b) (1) by deleting paragraph and inserting in lieu therefore "(1) to inform parents of participating children of the programs under this Chapter, of the reasons for participation by his or her child in such programs, and of the specific instructional objectives and methods of the program."

> The purpose of this amendment is to avoid role making by state departments of education that might lead to administratively cumbersome and costly individual education plans. The Council also proposes to change the reference from "every parent" to "parents" to preclude any requirement from having to contact or locate absentee parents. The general tone of the paragraph is positive, however, and should be retained.

9. Amend Section 116 (b) (2), line 22, by deleting the words "every parent" and inserting in lieu thereof the word "parents."

> The purpose of this amendment is similar to the previous one and is meant to preclude any requirement to locate absentee parents who may no longer live together and who may live in other locales. All other similar reference should be changed.

10. Amend Section 116 (c), lines 12 to 14, by deleting the sentence beginning with the words "local educational agencies" and ending with the words "under this chapter."

> The purpose of this amendment is to delete ambiguous terminology that may be subjected to conflicting interpretations in the future. Unless Congress is prepared to indicate exactly what the responsibilities of parents are under this chapter, than the reference should be strickened.

11. Amend Section 116 (c) (4), lines 5 to 7, by deleting the clause beginning with the words "expenditures associated" and ending with the words "training sessions."

> The purpose of this amendment is to eliminate the overt reference to expenditures for parent travel that might serve to dilute programmatic expenditures for children. The language is ambiguous as to the type, frequency and distance of travel for such training.

12. Amend Section 118 by deleting paragraph 118 (c) (3) and renumbering subsequent paragraphs.

> The purpose of this amendment is to avoid encouraging SEAs from requiring the submission of comparability reports by the LEAs. This paragraph would be a new requirement in the law and would appear to be unnecessary if an LEA had filed the assurances required by paragraph (2). The Council would prefer to assume that LEAs are in compliance with the assurances they have made than to presume they are not. An SEA in the Department of Education should be required to prove that an LEA is noncomparable rather than requiring that an LEA prove that it is. Nothing in our proposal would preclude the

federal or state government from conducting an audit of the program in this area.

13. Amend Section 119 (a) and 119 (b), lines 22 and 12 respectively, by deleting the words "In accordance with national standards," and insert in lieu thereof: "In accordance with commonly accepted practices." Also amend Section 125 by deleting subsection (a) and relettering subsequent subsection.

The purpose of this amendment is to avoid the development and requirement by The Department of Education of a single model or instead of evaluation of the Chapter I program. While educational researchers agree on methods of competent evaluation, they do not necessarily follow a single model. When a similar requirement existed in the law prior to 1981, it caused enormous administrative problems and research debate about the adequacy and validity of the model itself. The Council encourages and its members conduct good evaluations. The law should not contain references that might dismantle what they do.

14. Amend Section 181 (c), line 4, by deleting the period and inserting at the end of the sentence the words "before being published in the Federal Register."

The purpose of this amendment is to allow the regional panels of administrators to help shape the regulations prior to their being published in the Federal Register. Often, school personnel do not have an adequate opportunity to craft workable regulations before a nearly finalized set is published. At that point, needed changes in the regulations are harder to secure and are often left solely at the discretion of Department officials. If Congress or the Department is concerned about a resulting delay in publishing draft regulations, they should recall the several year delay following the 1978 reauthorization without such a provision.

15. Amend Section 182 (b) (1), line 18, by deleting the words " and 10 percent of such funds the Fiscal year 1991." Also amend Section 182 (b) (2), line 15, by deleting the words "one-time."

The purpose of this amendment is to cap allowable carryover at 15 percent rather than 10 percent. The Council is very much in favor of setting a ceiling on allowable carryovers, but proposes this change in the legislation to bring the percentage in line with current hold-harmless levels in the law. We have also proposed deleting the "one-time" reference in the waiver clause. It is unclear whether this one-time waiver could be applied each year, each authorization cycle or forever. LEAs often have unanticipated carryovers if, for instance, there is a teacher strike and salaries are not paid out on a normal cycle. The Council recommends therefore that the waiver be open-ended as to the number of times it could be used.

16. Amend Section 138, line 5 by deleting the word "$25,000,000" and inserting in lieu thereof the word "100,000,000."

The purpose of this amendment is to increase the authorized spending level of the preschool "Evenstart" portion of the bill from $25.0 million to $100,00 million. Under the present authorization level, it would be very difficult for any state to garner much more than about $450,000. The promise that this program holds and the problems it is attempting to address are significantly greater than what can be accomplished with $25.0 million. Even with open-ended "such sums" language for the out-years from initial year's authorization often signals to the appropriations committee the level of need that the authorizing committee believes is in evidence.

17. Amend Section 143 by deleting paragraph 143 (b).

The purpose of this amendment is to lift the restriction that nor more than 25 percent of the secondary school funds can be used for non-instructional services. The Council believes that this limitation is overly restrictive, particularly in LEAs that currently use Chapter I and/or state compensatory education funds at the secondary school level. Those programs are usually instructional nature, and what is needed more for secondary school improvement may be such non-instructional services as counseling.

18. Amend Section 114 (c), line 10, after the word "chapter," and before the word "may" insert the following new clause: or who are transferred for purposes of desegregation to a school attendance area or school not receiving funds under this Chapter in the following year."

The purpose of this amendment is to permit continued eligibility for services under the program for a student who is transferred for purposes of desegregation only from one school to another between school years and who would otherwise be ineligible because the transfer did not take place in the "same school year."

Chairman **Hawkins**. The next witness is Mr. Harold Fischer. Mr. Fischer, we welcome you.

STATEMENT OF E. HAROLD FISCHER, CHAIRMAN OF THE TIPPAH COUNTY SCHOOL BOARD IN THE FIRST CONGRESSIONAL DISTRICT OF MISSISSIPPI

Mr. **Fischer**. Thank you. Mr. Chairman, I have prepared a statement. I will summarize——

Chairman **Hawkins**. Without objection the prepared statement as well as the other statements will be entered in the record in their entirety.

Mr. **Fischer**. I am Harold Fischer, Chairman of the Tippah County School Board located in the First Congressional District in Mississippi. I am also a member of the Board of Directors of the National School Boards Association. And, as you know, the National School Boards Association is the only major educational organization representing local school board members, who have the responsibility of governing the nation's public schools. There are approximately 95,000 members of our association and these people, in turn, are responsible for the education of more than 95 percent of all of the children in the public schools of our nation.

The NSBA greatly appreciates the subcommittee's invitation for our testimony on the reauthorization of Chapter 1 program, including the impact on the thousands of rural school districts like Tippah County whose students benefit from Chapter 1.

Using the example of Tippah County, which I represent, I would like to demonstrate to the subcommittee the enormously high value of Chapter 1 for services for rural school districts.

Tippah County is in the northeastern part of the State of Mississippi. We are in the last county that borders the State of Tennessee. The county contains six communities, the largest of which is our county seat, Ripley, Mississippi. And its population is 6,000. The county once grew cotton, primarily; but, now, our crops are soy beans and corn. There is very little industry in the county. And the Tippah County school district consists of two consolidated districts, the North Tippah District with 1,458 students and the South Tippah District which has an enrollment of 2,677 students. About 19 percent of the students in our county are minorities. However, both areas have a very high proportion of students from low income background. In North Tippah, 67 percent of the students are from low income background. And in South Tippah, 54 percent are from low income background.

Because of the lack of broad local tax base, the state pays 66 percent of the cost of education in our county. And, as a matter of fact, the Federal government actually contributes more than the local government: 19 percent as opposed to 14 percent of the district. The combined average per pupil expenditure for Tippah County is $2,177, which is less than two-thirds of the national average of $3,449. The average Chapter 1 per pupil expenditure is $631 or 29 percent of the total per pupil expenditure in our district.

Clearly, for the disadvantaged children of Tippah County, the Chapter 1 program represents a major enhancement of the quality of education that otherwise would not be available to them at all.

According to our local evaluation test results, which we had from last year, the children who participated in the program are able to make steady progress out of the lowest quartile of achievement scores. Last year, our Chapter 1 students showed growth in reading scores of between one and thirteen NCE units, depending on the grade level.

However, despite the great advantages that they have, I must say to you the sad fact is that the program has been severely cut back since 1980. Where previously Tippah County's Chapter 1 program had 22 teachers and 5 aides, at the present time, we have 12 teachers and no aides at all. The district has had to phase out the tutorial reading components of the program and much of the remedial math program even though students showed gains as high as 36 NCE units last year in our remaining math classes. We can not provide a pull-out reading program at only four grade levels: grades 1-4 in South Tippah and 7 and 8 in North Tippah.

The decline in the program is the result of a number of factors: the change in the data base from 1970 to 1980 census figures; the cuts and freezes in Chapter 1 funds; and much-needed increases in teacher salaries. North Tippah County alone has seen a 17 percent decrease in Chapter 1 funds just since 1984.

The experience of Tippah County makes it clear that as Congress considers new programs under Chapter 1, it should be mindful that the current program in many districts has been severely underfunded. In fact, at present Tippah County can serve only 23 percent of the eligible disadvantaged students in our district. The opportunity to serve more students at the preschool or secondary level will be meaningless unless significant additional funding can be provided for the basic school-age program.

The NSBA would like to compliment Congressmen Hawkins and Goodling for the introduction of H.R. 950, the Special Educational Needs Act of 1987, as a major vehicle for reauthorization of Chapter 1. I have several comments from the point of view of rural districts like our county, the Tippah County districts.

On the concentration factor, of course, it would significantly effect us and would help us greatly because we exceed the 20 percent. We have in excess of 60 percent of our students in the low income category.

A separate secondary grant program would help our district prevent dropouts, a major concern in our state, which is one of the primary issues in our State Board of Education at the present time because over 36 percent of our students entering kindergarten this year will never graduate from high school. We would use the funds to initiate a program of early identification, monitoring of potential dropouts, provide special tutorial services and parental counseling for these students and award incentives for achievements. However, I am concerned about the fact that our small school district, like many others who have substantial need, may not be able to provide the sophistication and the grantsmanship that would make it possible for them to participate in the program.

The Even Start program proposed in Part B would also be very helpful for both parents and children in our district. However, it would certainly be difficult for us to meet the increasing match requirements over four years from either local or Chapter 1 Part A funds.

Since the Even Start program focuses on parent training programs, efforts to expand our services for preschool children would have to come from our basic Chapter 1 grant. As important as preschool programs are and as much as they are need, I must say to you that it would certainly effect our total program because we estimate that 100 preschool children would easily cost $400,000 and our present allocation is $324,939.

Parental involvement is always desirable, but in rural areas like Tippah County, it is very difficult to achieve. We hold annual meetings. We have open houses, but we are successful in reaching and involving a limited number of the parents. Our very best source is the telephone call. Congress should be hesitant to set standards of parental participation in Chapter 1 that are unrealistic and certainly costly without some specific funding for these particular programs.

The new school-wide project option would be attractive to us, but we ask that you consider reducing eligibility to the 60 percent range to qualify more of our schools in need.

The innovation projects are also a worthwhile component of H.R. 950. However, I am doubtful that we need ad requirement of special state approval to spend 5 percent of our grant allotment for teacher training or parental involvement activities in light of the fact that the local district must match the money and it could certainly become cumbersome administratively. And in Tippah County, this amounts to only $16,500, and would certainly require a great deal of administrative work.

The bill contains increased accountability and new reporting requirements which can produce positive results. But the increased evaluation and performance standards could also destine small districts like mine for failure if federal resources are not adequate or if they are diverted to more non-instructional activities.

A more detailed set of NSBA's comments and policy questions are contained in the statement, which you have; but let me just say that we have some questions on the private school children, reallocations for state technical assistance, the two year limit on student eligibility and school board membership on review panel.

Over 20 years of positive experience at the local level has convinced school board members that the Chapter 1 program is an effective way to address the needs of educationally disadvantaged students. The program has compiled a solid record of success, of improving achievement through a variety of supplemental remedial strategies in many of the school districts across the country. And it has certainly been very beneficial to our rural area.

Unfortunately, the demographic facts of life of our school children show that the resources of the current Chapter 1 program are being outstripped. For example, in September of 1986 14 percent are the children of teenage mothers; 15 percent are immigrants without English language skills, 25 percent are from families living in poverty; 40 percent will live in a broken home before they reach 18; and one-quarter will not finish high school at all. If the Chapter 1 program is to succeed in addressing these problems, the NSBA feels Congress must make a larger commitment to a comprehensive and well-funded effort. I want to thank you again for the opportunity for us to give testimony on the reauthorization of this Chapter 1 program which will benefit thousands of districts and ultimately will make a significant difference in the lives of the children we serve.

[Information submitted by E. Harold Fischer follows:]

TIPPAH COUNTY MISSISSIPPI ENROLLMENT AND PER PUPIL COSTS

	NORTH TIPPAH	SOUTH TIPPAH	COMBINED
Enrollment	1,458	2,677	4,135
Eligible for Chapter 1	802	1,442	2,244
Chapter 1 Participants*	188	327	515
% Eligible Served	23%	23%	23%
% Low Income	67%	54%	
Per Pupil Expenditures (1985-86	$ 2,596	$ 1,757	$ 2,177
Federal	$ 597 (23.0%)	$ 246 (14.0%)	$ 422 (19.4%)
State	$ 1,609 (62.0%)	$ 1,274 (72.5%)	$ 1,442 (66.2%)
Local	$ 389 (15.0%)	$ 237 (13.5%)	$ 313 (14.4%)
Chapter 1 Grant	$ 114,351	$ 210,588	$ 324,939
Chapter 1 Per Pupil Expenditure	$ 608	$ 644	$ 631
Chapter 1 as % of Total Per Pupil	23%	37%	29%

* Unduplicated count. Some children receive only math, only reading and some receive both.

APPENDIX

QUESTIONS AND RECOMMENDATIONS RAISED BY H.R. 950

A. General Policy Issues

1. **Pre-School Services.** The declaration of policy (page 5, line 5)* Section 111, which determines the use of funds (page 21, line 20), Sec. 114 which decribes eligible children (page 29, line 15) as well as the new Part B Even Start program (page 55) makes it clear that pre-school activities are both authorized and encouraged. However, since there is no separate funding mechanism for providing pre-school services, such funding would be derived from those basic grant funds that would otherwise be utilized for school-age children. Given that school districts have a state constitutional mission to educate school-age children, and, given that all costs of enrolling pre-school children are "excess costs" (with no state ADA contribution), we question whether the bill, without a strong funding commitment, will result in making major strides in pre-school programming.

NSBA recommends the establishment of a separate line-item with a separate child count for pre-school children (comparable to the manner in which the $200 million which pre-school 3-4 year old program was structured under P.L. 94-142).

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* Page and line references are to the draft bill.

2. **Secondary School Services**. The declaration of policy (page 5, line 5) Section 111, which determines the use of funds (page 21,line 20), Section 114 which describes eligible children (page 29, line 12), as well as the new Part C Secondary Improvement and Dropout Prevention programs (page 62) strongly encourage the extension of compensatory services to the secondary level. Yet, the mechanism selected is a $100 million authorization for FY 1988 (page 69, line 1) of competitive project grants (page 69, line 19). Even with "such sums as necessary" driving the authorization after the first year, we question whether a $100 million authorization establishes an intital program base which will fall far short of the funding levels that will be needed -- even in the last year of the authorization cycle, which is the 1993-94 school year. Further, by utilizing competitive grants, the concept of the program is being fashioned as one that a) funds projects -- not maintenance support (like the basic grant program) and b) can only assist school districts which can afford the best grant writing teams.

NSBA recommends that a comprehensive program be established with a $250 million authorization for FY 1988 - with the funds to be distributed on a local formula maintenance basis.

3. **Concentration Grants**. Section 106 (page 17, line) and Section 142 (d) (page 63, line 14) respectively commit 1) the first $400 million of each year's appropriations (if it is in excess of the FY 1987 appropriations) and 2) the entirety of the secondary program to local school districts with high concentrations of disadvantaged students. As a matter of general principle, special targeting of a portion of compensatory education funding is

supportable. However, we reserve judgement on the precise formula set forth in the bill until data is available profiling: a) which county and local school districts are fully eligible; b) which local school districts are only partially eligible; and c) which county and local school district areas are not eligible at all. We question why the bill apparently excludes from eligiblity school districts which may meet the concentation grant test, but are denied funding because they are located in a larger county area which does not meet the test.

NSBA recommends that data be developed.

4. **Non-Public Schools**. Subsection 117(d) (page 44) establishes a separate $30 million authorization of appropriations for capital improvements to local educational agencies when "without such funds, services to private school children have been reduced or would be reduced or adversely effected" (page 45, line 7).

It is unclear whether the intent of this provision is to award grants and authorize funding uses which "hold harmless" both public and private school services -- or whether the provision intends solely to offset reduction in services to private school children.

While we understand and seek solutions to the capital costs resulting from compliance with Aguilar v. Felton, if the purpose is solely to offset service reductions in private schools, we would vigorously question the creation of that separate line-item because: 1) it violates the equitable participation concept; 2) it violates, in total character, the non-public school compromise which was necessary to originally enact ESEA; and 3) it establishes divisive precedent by encouraging categorical aid for non-public education of a larger magnitude in this and other programs in future years.

NSBA strongly recommends that this provision be reconsidered.

5. **Centralization of Programming**. Program accountability is assured by a combination of provisions to: 1) conduct annual local evaluations (page 53, line 16); 2) transmittal of local reports to the state (page 53, line 25); 3) conduct state evaluations (including state development of local data collection (page 54, lines 14, 17); 4) provide state technical assistance for schools which fail to maintain performance (page 55, line 5); 5) use of federally developed local policy manuals (including federal operational policies and monitoring instruments) (page 93, line 19); 6) establishment of federal technical assistance centers (page 96, line 9); and 7) increased federal oversight over state enforcement and local compliance (page 93, line 3). Each of these provisions can increase the accountability of Chapter 1 — which has and continues to be a verifiably successful program. Our question is whether, taken together, the above provisions carry unintended potential for either 1) over burdensome paperwork and/or 2) stifling of local initiative and risk-taking.

NSBA recommends that the intent and necessity of each of these provisions be considered as well as the overall impact. Further, we recommend that a mechanism be established in the law to: 1) "measure" increased administration and paperwork; 2) determine dysfunctional impacts on local initiative; and 3) provide Congressional review of the aforegoing.

B. Specific Program Provisions

1. **School-Wide Projects**. Section 115 modifies program elements which define school wide projects (page 32, line 5), but retains a threshold test that at least 75 percent of the children must be from low-income households in the first year. We question the rigidity of this threshhold in terms of denying participation to worthy projects in attendance areas that are in the 60-75 percent range of low-income.

NSBA recommends that a more flexible standard be considered.

2. **State Technical Assistance /The Re-allocation Formula**. Subsection 111(c) (page 23, line 16) permits state educational agencies to use funds reallocated under section 173 (b) (page 85, line 10) for program improvement and technical to local educational agencies (page 23, line 16 and page 86, line 9). Under current law, reallocated funds are redistributed to local agencies on the basis of need; whereas under H.R. 950 the state can hold the money for state needs. We question the merits of the proposed change (which does not use "new" money; but takes funds previously committed to the "neediest" of school districts), because 1) the amount of state funding is tied to the happenstance of the reallocation formula, not need, and 2) the funding mechanism itself is not subject to any limit.

NSBA recommends that the existing reallocation mechanism be continued, thereby assuring that maximum funds are allocated for local services. If local school districts seek technical assistance from the state or any other source, such assistance should be an item of expenditure from the basic grant program. Likewise, the state should be precluded from divesting what are essentially federal formula funds appropriated for local purposes to other than local programs.

3. **Parental Participation**. Section 116 (page 36, line 23) includes a variety of discretionary activities for parental participation (page 39, line 4), as well as the following three mandatory activities (page 38, line 10): 1) written policies for parent participation 2) an annual general meeting; and 3) individual conferences with "every" parent - as practicable). The goal of parent involvement is to inform "every" parent (page 37, line 1), train "every" parent to the maximum practicable and give parents a "feeling" of partnership. In fully supporting principle of parental involvement, we question the limit and procedures that school districts would be required to follow to provide (as practicable, for the active participation of every parent and so in a manner that assures a "feeling" of partnership.

NSBA recommends that a number of limits be considered, such as, the participation of at least one parent or guardian -- rather than every parent, as well as reasonable efforts to notify parents. Further, we recommend that parent conferences which are conducted to meet the purposes of this bill be allowed to be incorporated with parent conferences that schools already conduct with parents.

4. **Innovative Projects**. Section 111 (b) authorizes school districts to

utilize up to 5 percent of their payments (on a 50 percent matching basis) for certain "follow the child" activities and for certain training programs (page 22, line 15). In view of the limited amount involved and the requirement for a local match, we question why the implementation of these uses must be conditioned to state approval.

NSBA recommends that locally matched innovative programs, be a matter of locally determined programming on the same basis as any other program activity contained within the LEA application.

5. **Eligible Children**. Subsection 114 (f) places a two year limitation on the continued eligibility of currently disadvantaged children who were previously in greatest need of assistance but who have progressed beyond the point of being in greatest need (page 31, line 14). With Chapter 1 only reaching 40 percent of all eligible children, we are concerned that this provision will force a three year limit on services — regardless of individual situations.

NSBA recommends that if a two year limit is imposed on services to children who are still in need of services (but no longer are most needy), that school districts be allowed to make individual exceptions, based on their assessment of the student.

6. **Even Start Program/Matching Funds**. The Even Start program contains a sliding scale local match that requires 80 percent local funding in the fourth year. We question whether a local school district which is most in need will be able to meet the matching requirement (page 57, line 18).

NSBA recommends that the state be authorized to grant waivers of limits on the matching requirement -- where necessitated by the financial needs of the school system.

7. **Review Panel**. Subsection 181 (f) provides that proposed regulations be reviewed by regional panels of administrators (page 88, line 19). While we believe this provision is a step in the right direction, the panels should also include policy makers -- including local school board members. The direction of the proposed legislation places a heavy emphasis on parent involvement, community participation, accountability, etc., and as such should intensify the commitment of the policy level -- rather than causing compensatory programming be the exclusive mission of administrators.

NSBA recommends that the regulatory process be opened up, rather than narrowed down, by including local school board members on review panels.

8. **Finances and Program Accountability**. As previously indicated, the bill contains new administrative requirements, expanded programmatic requirements, the encouragement to broaden the service base to include pre-school and secondary programs, and new targeting provisions to serve children most in need. While the appropriations process is difficult to predict, it is foreseeable that non-concentration grant school districts may have funding levels frozen (or near frozen) for two years -- thereby reducing real service levels. Yet school sites are under strong pressure to maintain achievement levels to avoid local and state review procedures. We urge further consideration be given to whether school districts can "do it all".

Chairman **Hawkins**. Thank you, Mr. Fischer. Mr. Fischer, I am sure that you represent, in many ways, the rural areas of the country. Your experience that you have had certainly is not unique. May the Chair ask you whether or not there is any possibility that as the Federal government retrenches or has been retrenching, whether or not any additional support has been obtained at the state or any other level? The impression is sometimes given here in Washington by bureaucrats, in particular, that the Federal monies, while they have declined, have been more than matched or made up by state and local money. And I would assume that even though the national average is that the Federal share is only a little over 6 percent, that it is a lot more than that in an area such as Mississippi and in the rural area of Mississippi that you represent. Would you respond to that issue as to whether or not the Federal retrenchment will not do any serious damage to American education in general?

Mr. **Fischer**. The Federal retrenchment is doing a damage in our particular state and in the rural areas because we do not have the local funds to supplement the educational program. At the same time, we are having the Federal retrenchment in a lot of our states, we are also having the state retrenchment when they are trying to place a greater burden on the local district. We are mandating programs that are not being adequately funded, both at the Federal and the state level.

Chairman **Hawkins**. State mandated or——

Mr. **Fischer**. Yes, sir. We have some state programs that are mandated and the state programs lack some of the funding. We also have in our particular state a reassessment in the evaluation process property. But each district has a cap and it cannot exceed a 7 percent increase in the taxes over the previous year. Most of the districts are unable to add additional tax burden.

In the north district of our county, the assessed valuation is 14 million and in the southern part, it is 33 million and the tax base is absolutely not there.

Chairman **Hawkins**. Ms. Mack, in your prepared statement you referred to the triggering threshold in terms of the concentration grants and you suggested that a lower threshold should be used. Do you have a particular amount in mind?

Ms. **Mack**. Well, like many of the panelists here we think that that particular threshold of funding there is going to put a burden again that cannot be met and will not, in fact, meet the needs of the students.

Given my own feeling regarding that amount, I would say that something less than 50 percent definitely has to occur, otherwise we are going to again be setting ourselves up for catastrophe in not meeting the needs for students who need it the most.

Chairman **Hawkins**. Also, in your statement, you spoke of—well, let me quote you: "As a practicing classroom teacher, I must tell you without the resources and mandated commitment to meeting the needs of the disadvantaged, their needs will go unmet."

Now, we have discussed this at great length with the Secretary of Education who feels that there should be accountability in the schools. And we have agreed in concept with the idea of accountability. However, it would appear to me that what the Secretary of Education is talking about is mandating some accountability.

Now, in effect, what you are saying is that without the resources for meeting the needs of the disadvantaged, you can mandate all the accountability that you want to, but there just are not going to be any results unless at the same time resources are made available in order to do the job. Is that in effect what you are saying?

Ms. **Mack.** That is exactly what I am saying, Congressman Hawkins. I am saying I have been in a district with colleagues that are outstanding, who come in an hour before the children are there and leave an hour after. I am saying to you that within the school building, itself, the resources must be there if we are going to help meet the needs of those students who come at what we consider an unequal level of exposure, opportunity to get into the academic curricula.

Like Ms. Clayton has said, those children already have an environment that has not produced for them the kinds of experiences that the normal academic school demands just coming in. And then when we say we want higher standards—which all of us want—and we do nothing but put that on paper and do not provide those teachers in classrooms the kinds of materials, the kinds of supplies that will enable them to work to the benefit of the students, we have done nothing but again set up that cycle of constant defeat because the students will not be able to meet those kinds of standards that others with greater resources are meeting.

Chairman **Hawkins.** Thank you. Mr. Shanker, you also mentioned lowering the threshold. Have you any specific amount in mind in terms of that? And is that a very serious issue?

Mr. **Shanker.** We just think that the 50 percent matching funds from local districts is too high. And we will take a look at it and we will submit supplementary material.

Chairman **Hawkins.** Thank you. I wish you would.

Mr. Goodling, we will—with the exception—this does not apply to you, Mr. Goodling. I was going to indicate that we are going to try, if possible, to have all of the members respond on the first go round and try to limit insofar as we possibly can and then open it up at the end of that period of time. So, I hope the members will be cognizant of the fact that other members would like to ask questions, also. There is, as I say, Mr. Goodling we did not intend to in any way imply that you are long-winded. [Laughter.]

Mr. **Goodling.** I will accept that as a compliment.

Chairman **Hawkins.** It is.

Mr. **Goodling.** Thank you, Mr. Chairman. I think I can do mine rather quickly.

First of all, Mr. Shanker, I want to thank you for not only the leadership in improving teaching, but the leadership you provide to try and improve education in general for the young people. I didn't have a chance to read your written testimony, but you gave some specifics that I wish you would give us in writing in relationship to what Chapter 1 has done. For those who do not serve on this committee, generally, what we are asked is: "Well, this money you are throwing here, there and elsewhere, what is it doing?" It is always good to have something to throw right back. I would appreciate it if you would give us some specifics on that.

Mr. SHANKER. I would be glad to, thank you.

Mr. GOODLING. Ms. Mack, just one question. We thought we were doing a pretty good thing in trying to deal with the Supreme Court decision so that as a matter of fact we do not have the Secretary's mandate of taking it off the top to take care of the decision. I was not sure whether your one paragraph was indicating that you thought that was wrong?

Ms. MACK. You are perceptive, Congressman Goodling. I am very well aware that in the efforts to deal with the *Felton* decision, that that was probably the kind of compromise that in fact would be one that would not go challenged by all of us who desire very deeply to support the total Chapter 1 reauthorization.

I must also say to you, I have always taught in public schools, have always gone to public schools, have always seen that those children who were most in need of schooling were, in fact, in public schools. I come from the point of view, as do my organization, that those who are in private schools, who are in parochial schools, even with some kind of limited funding on the part of the parochial school when there are many of the same family going there, one still has made that choice to send their children and, consequently, have the financial resources to do so.

I look at public schools saying, "We will service the needs of all students, those who cannot afford to make that choice." And, consequently, for trying to meet the additional needs that parochial and private school students have I understand that is a problem; but it is one that I do not see we can as public school advocates incorporate and push forward because I can only see that leading to what almost inevitably happens and that is an increase of funding from the same pot and not an additional kind of add-on money leaving those other monies there totally for public school support.

Mr. GOODLING. For the private and parochial school, I would say that if they do push in that direction, it would be the greatest mistake they ever made——

Ms. MACK. I hope you are correct.

Mr. GOODLING [continuing]. Because then, of course, we would eliminate the purpose for their being.

Ms. MACK. Thank you.

Mr. GOODLING. First of all, I am very happy to have the Philadelphia Superintendent here. I have heard many good things about the Philadelphia Superintendent, coming up through the ranks, et cetera. One of your principals, Joanie Hikus was in my wedding. So, give her——

[Laughter.]

Mr. GOODLING. Wait a minute. That didn't come out quite right. My wife had her there for some purpose. I forget what it was.

When you mentioned magnet schools, I mentioned up here I can remember when former Congressman Ron Mottle who for years used to stand up and preach the importance of magnet schools. At the time, I thought it was some way to circumvent any kind of decision of integration or anything of that nature. I did not really quite understand what he had in mind. We are getting testimony everywhere we go how, it is just the opposite and it is really developing pride that has not been there and doing some wonderful things. So, I hope, too, we can help to expand that program.

Oh, I do want to thank you for the way you specifically listed your recommendations for change. That really helps when you can be specific. We can refer to exactly what it is you are talking about, it really helps.

Mr. Fischer, only one question. You said you had a 17 percent loss since 1984. I can account for 4.5 percent of that. I have trouble then getting beyond that unless it is a declining enrollment because I did not catch how you got the 17 percent.

Mr. **Fischer**. Part of it is the declining enrollment in that particular district, the north half of our county.

Mr. **Goodling**. Planned Parenthood is working well in that district? Is that what you mean? [Laughter.]

Mr. **Goodling**. Thank you very much, Mr. Fischer. Thank you, Mr. Chairman.

Chairman **Hawkins**. Mr. Sawyer.

Mr. **Sawyer**. Thank you, Mr. Chairman. I would like to address a general question to all of the panelists.

Chairman **Hawkins**. As long as it does not—as long as it is not going to require more than five minutes, you may address a question to all of them, if they are going to limit——

Mr. **Sawyer**. Then perhaps I should address it to Mr. Shanker who is the only one who mentioned the topic.

Chairman **Hawkins**. I would prefer that we try to target one at a time. Let us pick on one at a time. Let us try that.

Mr. **Sawyer**. Mr. Chairman, I try to be very careful about the way I target things.

Chairman **Hawkins**. Do your best.

Mr. **Sawyer**. Thank you, Mr. Chairman.

Mr. Shanker, you were the only one who mentioned the importance of continuing research. The National Assessment of Chapter 1 last year went into considerable depth on some of the difficulties with that assessment and some of its failures to assess specific arenas. Could you comment on that, particularly, on the breadth and the depth of the kinds of research you saw as useful in Chapter 1?

Mr. **Shanker**. There have been a number of recent national assessments of considerable importance. One of them was the reading assessment, which is a longitudinal study. It is a repeat so that we have an opportunity to see how well we have done over a period of time. The law prohibited state breakdowns, but it does have breakdowns for blacks, Hispanics, and others. It has breakdowns by region and it is—I may be slightly off, but I think that the testing was done with a national sample of about 200,000 youngsters in the 9 year-olds, 13 year-olds and 17 year-olds still in school. And it essentially divides the reading tasks into a set of levels so that you are able to tell how many really are totally illiterate, how many can handle only the simplest of tasks, how many have literacy and comprehension with a, let us say a comic book or easy newspaper level. Next would be the "Washington Post," "Wall Street Journal," "New York Times" level and, finally material that had—technical material. Let us say a first year college text book with some technical material.

The results are very interesting. They show no change on the part of non-minorities over a period of a decade. And they show that tremendous closing of the gap, but we have no state breakdowns. There is no information as to what types of reading programs were used with those youngsters—that is the facilities were not there to ask further questions: What was the reading series? How many hours of instruction in reading were given? Some background material perhaps on the teachers and their training. Hours of viewing of television. A whole series of things that might have given us some insight into what works and what doesn't work.

Now, there was another study. One of the problem with the reading studies and literacy studies is that they measure only those who are still in school. And, so, there was a literacy study where in addition to testing 9, 13 and 17-year olds still in school, they also took a sampling of the population of 23 and 24 year-olds so that they were then able to get people who had dropped out but are now in the work force—well, unemployed or employed.

There was some very interesting things that came out of that and I will just touch on one of them. If you take a look at the 17 year-olds who are still in school, the percentage were able to read a textbook with some technical material when they are just about to graduate high school. Six percent, six percent of all those students still in high school and about to graduate can read a first year college text with some technical material.

However, when you take a sampling of the 23 and 24 year-olds in the population, 24 percent can read technical material. Now, that is an indication of the importance of whether it is—I would say, continuing to have wide access to higher education, that a lot of what you would expect kids to learn earlier, they maybe need a little bit of maturity, perhaps some job experiences, but if you try to think where this nation would be if we placed on ourselves the limitation of the 6 percent who understood that material and stopped there, guess what happens later.

In that study, they did look into how many of those people had computers at home, hours of television, things like that. Began to do that kind of thing.

The writing study analyzes—you know, when I was a kid if somebody used the word "illiterate," and I asked what did it mean, they said, "Well, he cannot sign his name." We no longer use that as a definition of illiteracy. It would not be very adequate today. But the interesting thing about the study is that while—all of these studies show that what we have done in recent years to lift up the bottom has worked. There is just about nobody around who cannot read any words or cannot sign a signature.

We could still do a lot more, but we have got a lot of problems in terms of how many reach levels that are adequate for functioning in society today so that when you get to people who can write, not perfectly and not brilliantly, but what you would consider to be a letter or a statement that when you received it, you would not look twice and say, "Did this person go to school?" Only about 20 percent reached that. And that—and there was some research there indicating that some of the reasons—that is the number of—there is a very close relationship between writing and thinking. Writing is not just writing. You have to write about something. You have to amass evidence, you have to pick on someone else' arguments. You have to offer substitutes. There is that very close relationship between the two. And the way that one develops it is to do it over and over again and to get some coaching. That is, just doing the same thing wrong over and over again does not help you very much. You have got to have somebody mark a paper and sit with you for two or three minutes and say, "Johnnie, why did you say this? Does this follow? Does that contradict this?" And get him to do it and redo it.

And the report did show that not very many assigned writing assignments are given in school. Now, the reason, I think is that—there are two reasons. The value of this type of research, it seems to me, can be seen in looking for these reasons. One of the reasons is if you are a secondary school teacher and you teach five classes a day with 30 students in a class, you have got 150 students. If it takes you 5 minutes to mark a paper and 5 minutes to talk to each student, that is 25 hours.

So, something has to be done because we are just not going to get better levels there unless something is done on that.

There is a second reason, probably, and that is a guess on my part, but as we have more and more states giving students multiple choice exit examinations, but only one state has any sort of writing examination, the schools obviously shift to produce success in accordance with the measures which are imposed on them. And the more you impose these standardized types of multiple choice tests, the more teachers are going to divert their time from writing and critical thinking to how do you guess and how do you move quickly on these multiple choice examinations. So, in a sense many of these reform movements are dictating a curriculum which is maybe not the curriculum we want to end up with.

If you were to ask me what is more valuable? Being able to write a document or think, or being able to do well on a multiple choice test? The question answers itself.

I really think that a lot of—we know some things. We know a lot more today than we did 10 or 20 years ago, but we are still working in the dark on a lot of things and to keep asking local governments and the states and the federal government to put more money in, that is fine; but, at the same time, the amount of money that is spent on research and development compared to what is done in any other industry or business in this country or in any other advanced country is an absolute shame.

Sure, we need more resources, but we also need to work smarter in this area and we need to devote—and research is not something that can be well done by 16,000 separate school districts. The research function here is very much like what the United States Government has done over the years in terms of development of agricultural research. You do not have each farmer doing his own research. We became successful there when we decided that, as a nation, that was a national project. And I think we need to do the same in education.

Chairman HAWKINS. Mr. Gunderson?

Mr. GUNDERSON. Thank you, Mr. Chairman, and thank all of you for your wonderful testimony. I suppose it is easy for all of us here today because we are talking about the most popular federal aid to education program in the elementary level that exists. Without exception, everywhere I go, everyone I talk to, and yet I think on the other hand we are talking about a program that also is very honestly inadequate to respond to the challenge.

Mr. Fischer, I cannot help telling you 6,000 is a big city where I come from. So, there is some sensitivity to the unique problems in the rural area. We have similar problems in our area. The transition in rural America, in all due respect to the urban perspective, I think is much more difficult because with the lower base to start with, a declining enrollment deals with that whole capitalization question. We have real problems—the Chairman has graciously allowed us to bring this subcommittee out to my district to focus on the rural problems of Chapter 1 and Chapter 2 and we are looking forward to that.

I would like each of you to just briefly tell me—and one of you, I think it was Ms. Clayton, who indicated what percent of the eligible students that you are aware of in your districts are served by the Chapter 1 program. Can the rest of you give me that—somebody mentioned that figure.

Mr. **Fischer**. 23 percent in our district.

Mr. **Gunderson**. 23?

Mr. **Fischer**. Yes.

Mr. **Gunderson**. Ms. Mack, do you know?

Ms. **Mack**. Yes. In my school, there is approximately 60 percent of the students, but in the district-wide, there is less than 30 percent.

Mr. **Gunderson**. Approximately 30 percent are served.

Ms. **Mack**. Yes. We have four different kinds of programs coming out of Chapter 1: the ESL, after school math, the remedial, as well as the special.

Mr. **Gunderson**. Ms. Clayton?

Ms. **Clayton**. We served 5,000 students in parochial schools, as I indicated in my testimony, and 70,000 students in the public schools.

Mr. **Gunderson**. Out of Chapter 1?

Ms. **Clayton**. Out of Chapter 1.

Chairman **Hawkins**. I'm sorry.

Mr. **Gunderson**. Oh, I thought you wanted me to revise and extend, Mr. Chairman.

Chairman **Hawkins**. We were mentioning the prayer in the House. Apparently, we have just adjourned. I was just saying maybe the chaplain was asked to revise and extend. [Laughter.]

Chairman **Hawkins**. Sorry.

Mr. **Gunderson**. Okay. Thank you.

Mr. Shanker, as Mr. Goodling said, you have been clearly one of the national leaders in promoting improved education and quality of teaching, et cetera. And I join with him in commending you for that.

You all indicate that what we ought to do is find more funding for Chapter 1, and I do not disagree with that. I recognize that the realities of the environment in which we are dealing are not going to come clear. We are not going to triple the funding for Chapter 1 in this budget cycle or in the near future. Have any of you had the opportunity, through your leadership positions, to determine other options in which we can deal with the basic questions of literacy and dropout because I think really those are two of the hopeful goals of a Chapter 1 program. Do you know of some ways we might incorporate into this whole process to make some additional contributions?

Mr. **Shanker**. Well, there are other things that need to be done, but I am not sure that the way—well, I am fairly sure at this point that federal legislation is not the way to do some of those things.

I think that, you know, for hundreds of years people went to doctors and hospital hoping to be cured and many of them were not cured there but were killed because people in the healing arts did not realize that they needed to wash their hands or sterilize their instruments. It took a long time before that awareness came there. And I think that if you look at the schools, kids come there to learn, but that there are certain structural aspects of schools that create problems that are the parallel of those who sought to be cured and, instead, were harmed, if not killed.

There is a growing awareness of some of these problems. I could mention one or two of them. The schools essentially assume that students learn by either reading or by listening to a teacher lecture. If you read John Goodlad or look at Ted Sizer or any of the other recent reports, you see that 85 percent of the students' time is spent listening to teachers talk. Well, not everybody learns by listening to somebody else and not everybody finds it possible to sit still and listen from 9 in the morning until 3.

In a sense, our schools say that those students who can learn by listening are successful. And the others are considered stupid or have problems. We do not offer a sufficient number of ways of learning so that those—I have met a large number of individuals who not only ended up making a lot of money, but when you talk to them you clearly note they are very intelligent, in many cases, brilliant people who dropped out of school. They just were not able to learn in the one way we try to reach them.

There is very little use of video tapes, of audio tapes, of computer technology, of peer instruction—that is a major problem. To say that if you do not learn the way we are going to give it to you and if you do not learn at the same time that everybody else does and on the same day that the teacher has to be doing this, that is just too bad.

Now, that is—I do not think you can do anything about that in Federal legislation. I think what we need are some school models across—perhaps through the encourage of some models that try different ways of reaching students—well, take the dropout question.

Take a student who enters high school in September and asks a question, "When is the final? When do I get my final mark?" And the teacher says, "Next June."

Well, if you are like me, and this is September and the day of reckoning is not until June, I am not doing my homework tonight. I am not in any rush; I have got plenty of time. And I might not do it tomorrow. And a lot of kids just fall behind and by October, they realize that they cannot understand anything. Now, they realize their mistake.

But what is a rational thing for a kid who is now so far behind that he knows that to remain in school for the rest of the year is just face humiliation everyday? Well, he drops out. When can he drop in, again? Well, the way our schools are structured, most of them, you cannot drop in again until next September. What are the chances that after you have been free from October to next September that you can drop back in, again. Now, there are some programs in schools now in schools where you can drop back in, but not that many on a national basis.

Now, my son went to an interesting school. It was a school for chefs. The CIA, the Culinary Institute of America. And after a weeks, I called him and decided I would give him some fatherly support by driving by and asking him for dinner. And he said, "No, no, I cannot have dinner with you."

And I said, "Why not?"

And he said, "I am working. I am studying, doing my notebook tonight."

And I said, "You have only been there two weeks."

He said, "Dad, you do not understand. The semesters here are three weeks long."

Well, three weeks long means every kid concentrates. He knows that pretty soon the final is there. It also means that if you flunk, you are not flunking a whole year. You are not a failure. I mean you think of the tragic problem facing schools when a kid has not made it at the end of the year. You either have him repeat the whole year and the success with that is not very good. Or you have him move on even though he has not learned what he has supposed to learn and the success with that is not very good, either.

Well, what I am getting at is: We need more resources. You are not going to have kids learn math without math teachers. And in this market, you are not going to get math teachers without going out into the market and offering incentives. And the same is true with science. And the same is beginning to be true with every other subject. But the other thing that needs to be done is that schools need to engage in an examination.

We need to do in education what General Motors is doing with Saturn or what other industries are doing: If you have got a machinery that has a high percentage of failure that it is turning out on a regular basis, do not shut down the whole plant because you have not got a new product, yet. Keep your regular plants going, but, meanwhile, start all over again somewhere and question all of your assumptions and see if there is a better way of doing the whole thing.

Mr. **Gunderson**. I think my time is up.

Chairman. **Hawkins**. Mr. Richardson?

Mr. **Richardson**. Thank you, Mr. Chairman.

Mr. Shanker, one of the issues you raised in your testimony was the teacher shortage. When I am in my state of New Mexico and I ask young kids what do they want to be when they grow up, it seems that the least number of hands go up when you offer the teaching profession as an option. You talked about addressing that problem through research and other means, that is fine. But what about something like this: I am hopeful of offering an amendment that would have some kind of forgiveness factor for those students going into college that dedicate themselves to being a teacher. Would you support that? This is an incentive that would not be that costly in terms of investment.

Mr. SHANKER. I favor it very strongly. As a matter of fact, there is a piece of legislation that was passed last year called the Talented Teacher Act. Very limited funding, somewhere around $15 million. A few people from each Congressional district—it very much needs expansion. But the notion that—especially in areas of shortage.

This country is not going to have enough math and science teachers, enough people in those fields to satisfy the needs of both business and the schools and the military, for a long time to come. And, therefore, you need some kind of sharing arrangement. And the notion that somebody who graduates college gets forgiveness of college loans and perhaps even some payment toward graduate work if they agree to work, let us say, five years—give five years of their lives. And, by the way, industry would recognize those five years because the IBMs of this world, if they take all of our scientists and mathematicians, where is the next crop coming from? They need to plant a few seeds, not just—not just take the full crop.

So, I think that offering that for—especially for teachers in areas of shortage would be a very, very important Federal initiative. There is already the beginning of it. I might say it had very widespread support. Mr. Wyden on one side and Orrin Hatch gave it a very strong support in the Senate. So, it was a bipartisan effort. It was an effort that had very great support. I think the only problem is there is not enough money in it. It needs a lot more.

Mr. RICHARDSON. Thank you. Did you want——

Ms. MACK. Yes. Congressman Richardson, I would also like to respond to that because it is one position that NEA also could support and has supported. In addition to just the forgiveness loans for those who would be coming newly into the profession, that same kind of incentive can be extended to those who are currently there if, in fact, we do find ourselves, as we have before, in critical shortage areas. There are people who have a desire and the capabilities of going into some critical area needs currently existing. If there were that same kind of financial incentive of getting back into the graduate school and having that occur.

One of the things that I think is often forgotten: When we talk about the shortage of teachers, at the elementary level, as well as many of the high school levels, those times when that occur, it seems that we always have local administration forgiveness of the credentialization of those that they want to bring in. It seems as though there is an immediate desire to just have a body in the classroom. That is not an incentive for students who, as you well know, seeing that kind of program and the kind of teacher before them becomes the model in many instances of whether or not that is worthy of their talent.

And, so, I would say again we must not just have anyone there and we must look for incentives beyond the pre-professional with those who are currently there to maintain it.

Mr. RICHARDSON. Thank you. Bilingual——

Mr. SHANKER. Could I add two sentences to this?

Mr. RICHARDSON. Go ahead.

Mr. SHANKER. And that is that in addition to trying to get high school graduates and college graduates to go into this field, there are a lot of people in business and the military retiring in their 40's and 50's who still have 5 or 10 or even 15 years to give. And Harvard and a few other schools have devised a one-year graduate program for people who are already liberal arts graduates but who want mid-career changes, either retirement or for other reasons. And I would urge you to look at that because here you have got people who are already outstanding. They have been in the world, they have done other things. They have succeeded and now they are finished with that and, perhaps, now a career of some public service in education for awhile, if the road was made a little bit easier for them.

Mr. **Richardson**. I would like to—Mr. Chairman, could I ask one more question? Is my time up?

Chairman **Hawkins**. Well, we will be generous and allow one more. It is a simple one, I——

[Laughter.]

Mr. **Richardson**. It is a simple one. It deals with bilingual education. I am an advocate of bilingual education. I think many people are. Regrettably, the idea of this Administration to deal with bilingual education is to get rid of it. And then you have this very onerous English only language movement threatening us. I would admit that there are some things that we can do with bilingual education to improve it. Like red tape, inertia, bureaucratic problems that might be more positively addressed. The program is not perfect. I think it is well intentioned. It has had successes in my state, and I think it has been successful in many other states as well.

Looking at it critically, if we accept the premise that we need adequate resources and we need other mechanisms to, financially, to make it work. If we assume that we agree on that, what other things can we do to make it more efficient and effective?

Ms. **Clayton**. I think you have raised an important point, Congressman Richardson. I believe, certainly, for our school district, that we subscribe to bilingual education. And we have several models. We have total immersion and all of the other models that people certainly know about. But it is interesting that you raise this question following your question of teacher shortage, beca use what we are finding in many of our school systems where we have an influx of youngsters who are not proficient in the English language and who need training continue training in their own and as well as in English. We have great difficulty acquiring staff people, counselors, teachers and aides.

Now, what we need to be helpful is for legislation which would help us, as my colleague, Mr. Shanker, said, ease the road for some of the people who have been trained in their respective countries who are college-trained, who know both English and their native language and other languages, but we find a real barrier at the state level in terms of certification for those persons so that we can give all of our children the type of services they need.

And we have yet to see—I do not know about you, Al, but we have yet to see anything happening to assist us in the acquisition of multi-lingualed staff persons.

Chairman **Hawkins**. Mr. Richardson, we will be glad to continue and explore this some more after Mr. Grandy has had an opportunity to ask a question and get back to this. I know that you would like some additional response.

Mr. Grandy?

Mr. **Grandy**. Thank you, Mr. Chairman.

First of all, I would like to commend you and the Vice Chairman, Mr. Goodling, for this piece of legislation—particularly Section 116—the area of parental involvement. I come from the State of Iowa where we have always prided ourselves on our education. To a great degree, our success has been due to the involvement of parents at the elementary and secondary level.

With that in mind, I think I want to direct my questions to you, Mr. Fisher, if I could, because you say in your statement, "Congress should be hesitant to set standards of parental participation in Chapter 1 that are unrealistic and prohibitively expensive to implement without specific funding."

Are you referring to the specifications set forth in H.R. 950?

Mr. **Fischer**. Yes.

Mr. **Grandy**. Could you elaborate a bit more on your misgivings?

Mr. **Fischer**. If we were to adhere to the specifics of the bill requiring the parents of all the children to participate in all the phases, it is almost an impossibility in some of the rural areas for us to get both parents, for us to get—to involve them in the conferences and this is why I think that it would be a costly process at the local district because we would have to devise some means to get those parents into the school, both parents. And we would like to use the present system that we have where we have parent—parental conferences and not superimpose additional programs on our teachers and in our schools.

Mr. **Grandy**. I think what I am hearing you say is that the problem is logistic and not political. You are not afraid of perhaps a remergent of the parent advisory councils which perhaps intruded upon teachers prior to 1981?

Mr. **Fischer**. No.

Mr. **Grandy**. I think then we share similar problems because I represent a rural district with a changing work force, a declining farm economy, and quite simply, situations where a mother and father are both in the work place, sometimes not even in the same county, let alone the same community.

Given that, do you think there should be more flexibility, perhaps, at the state levels in terms of defining what parental involvement should be? Clearly, your needs and Ms. Clayton's might be different.

Mr. **Fischer**. Yes.

Mr. **Grandy**. Is that what I hear you say?

Mr. **Fischer**. Yes, but Congressman, I have some difficulty when you say that the state defining what the parental involvement should be because it seems to me we have another level of bureaucracy. If the local districts were at liberty to define what that could be and to ensure parental involvement—adequate parental involvement to actually do what the legislation intends to do: to involve the parents, to have them have some ownership of it, have them understand what it is. But it is certainly different, in a way, in Philadelphia than it would be in our area, though we still have the same problem with both parents working and people coming in after 5 o'clock.

Mr. **Grandy**. Okay. I agree with that totally. I did not mean to imply that I wanted to impose another bureaucracy beyond your local education authority.

Mr. **Fischer**. But I have no problem with it.

Mr. **Grandy**. Let's turn to the problem of perhaps two parents in the work force with great distances to travel and the whole concept in the Chairman and Mr. Goodling's proposal to train parents to work with their children at home. Is that a do-able deal for you now? Do you have problems with that because the parents are not at home?

Mr. **Fischer**. Yes. There is some difficulty with that in that some people are not present in the household in cities in the rural areas. And, in our particular area, for example, the educational level of the parent is not up to the point where they might be able to benefit the children.

Sometimes, in our area, the children are actually teaching the parent how to read and some of these basic things. So, there are some problems with that in the—with the parents being absent from the home and also lack the educational background and preparation. And it could be revisited in thinking through how it could be used. We are very much interested in involving parents. But there are some problems in that area.

Mr. **Grandy**. I guess what I would finally do, then, is to encourage your rural members to perhaps provide some guidelines to this committee in terms of some flexibility at the local level because I am experiencing some of the same difficulties—not perhaps with the literacy level of the parents, but just with the distances, the hardships and very often a fatigue factor, too, of which I am sure you are aware. If both the parents are in the work force all day long, it is sometimes very hard to come home at night and spend an hour or two on teaching a child to read or do math problems.

Mr. **Fischer**. We would be glad to——

Mr. **Grandy**. I would appreciate whatever input your board, particularly you rural members could send to us in this area.

Mr. Chairman, I yield back the balance of my time.

Chairman **Hawkins**. The Chair will yield its five minutes to Mr. Richardson. I terminated his questioning on bilingual education. Since it is a big issue, I will be very glad to yield to the gentleman.

Mr. **Richardson**. I thank the Chairman for his generous yielding of that time.

And Mr. Shanker, I think—I think some of you answered that on the bilingual education question I asked and I would welcome your thoughts.

Mr. **Shanker**. I have a lot of—well, let me say that I would support the general philosophic outlines of the statements made by the Secretary of Education in this area. I do not support the kind of funding or real support or the lack of it that he has given.

That is: I think that there are a variety of approaches that can be taken in that there is not any single approach that has yet been proven to be successful in all cases. There are outstanding bilingual programs and there are some that are pretty bad. There are outstanding English as a second language programs, some that are had. Immersion programs, et cetera. And because of the fact—I think what we need to do is, first of all, heed the mandates of the Court and to our own consciences and wisdom and that is to say that a child who comes to us speaking a different language cannot just be treated like everybody else, that there is a special educational need there and that we need to do something special about it and not just assume that if that person gets the same treatment everybody else does, that is equality.

Secondly, I think that what we need to do is to permit—we need to permit different approaches as to how to succeed in that issue. And success, it seems to me, involves several factors. First is getting the kid to function in English as soon as possible; but I think another important aspect is doing it in a way that doesn't create a sense of shame of origins, inferiority, attempt to wipe out previous culture.

I would go a step further and say we are so bad at teaching foreign languages in this country that if we have got somebody who has got a little bit of a head start and that we feel is pretty comfortable we would be doing our nation a good deal of good if we would use that head start and preserve it and develop it. Not just see it wither away.

And this goes along with the notion that instead of mandating something, we ought to be providing assistance so that localities can have special programs and then we ought to have a very strong research arm so that 10 years from now or 5 or 3 or 20, whatever it takes, we are able to say that there are 4 or 5 or 6 outstanding approaches that seem to be very successful with these youngsters. And there are 25 or 30 that we found were disastrous and failures. And throw them away.

The terrible—I mean there has been a lot of politics in this as well as a lot of good intentions. And I think the philosophic framework that there is no one approach that has been proven best is correct, that we ought to give assistance and research.

Now, what has happened with the Administration is it has come out with a philosophy at the same time that it continues to cut back on the assistance and the efforts. That is not good faith.

Mr. RICHARDSON. Anybody else?

Ms. MACK. I had mentioned, Congressman, before you came regarding a particular student I had and I guess, again, the reason for our school having a higher entitlement to Chapter 1 programs is because I am in a predominantly Hispanic speaking school. That is where my district started to house those students who were coming in with the second language.

Consequently, it is a K–6 school. And at every grade level, there is an English-speaking as well as ESL or bilingual speaking class. There is a variety of means, there is a variety of methods to reach those children. But, just as the organization is very supportive of Bilingual Ed, I have seen it work probably at its best. We have students who come in at all different levels, some who absolutely have no ability to handle the English language and those who have been here with some limited exposures, those who have been in other programs and come to us; and, consequently, we have fused them into as many of the English-speaking classes as possible. But I am firm believer it is much easier for children to handle an academic program when they are fluent and able to deal with the language of their home. Once that occurs, we have found, by listening to our bilingual teachers, we are able to make the transition. But to just totally immerse a person in a language that they are not familiar with them and then to test them and then to give them additional work in an unfamiliar language builds up a total self concept of "I am a failure." And that is absolutely inaccurate.

Mr. **Richardson**. Thank you, Mr. Chairman.

Chairman **Hawkins**. Thank you, Mr. Richardson.

Mr. Kildee, did you have a statement or any questions?

Mr. **Kildee**. No. Just to apologize for being very tardy here. I see some of my very good friends here at the table. I have been at three other hearings this morning, Mr. Chairman, and this is a very important bit of legislation, but priority of time interfered with me getting here on time today. And I apologize.

Chairman **Hawkins**. One of the witnesses, I think endorsed some idea of yours. I have forgotten just which——

Mr. **Kildee**. The magnet schools. Oh, yes.

Chairman **Hawkins**. The magnet schools.

Mr. **Kildee**. God bless you.

Chairman **Hawkins**. And I should not have told you that.

Mr. **Kildee**. If I may, Mr. Chairman, that was enacted three years ago. We got that authorization through, with a great deal of help from people like yourself. And I really appreciate that. It was a battle some people thought we could not win. But the Federal government did recognize its responsibility in this area and we are looking forward to getting this authorized, again.

Chairman **Hawkins**. Well, in your absence, we deferred the subject until next session.

Mr. **Kildee**. Yes, please. Thank you.

Chairman **Hawkins**. Again, let me thank Mr. Fischer, Ms. Clayton, Ms. Mack and Mr. Shanker for their presentations this morning. This is the beginning of a series of hearings. I think it has been a very constructive and very exciting one. We appreciate your testimony and, certainly, we look forward to your continuing interest and communication with us. And we shall call on you—each and every one of you—for your expertise.

Thank you very much and that concludes the hearing.

[Whereupon, at 11:30 a.m., the committee adjourned, subject to the call of the Chair.]

REAUTHORIZATION OF EXPIRING FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Chapter 1 of the Education Consolidation and Improvement Act (Volume 1)

TUESDAY, MARCH 3, 1987

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in Room 2175, Rayburn House Office Building, Hon. Augustus Hawkins presiding.

Members present: Representatives Hawkins, Ford, Kildee, Martinez, Hayes, Sawyer, Solarz, Wise, Richardson, Robinson, Goodling, Fawell and Gunderson.

Staff present: John Jennings, counsel; Nancy Kober, legislative specialist; Bev Griffin, staff assistant; Judith Billings, legal intern; Barbara Dandridge, legislative intern; Andrew Hartman, senior legislative associate; and Jo-Marie St. Martin, legislative associate.

Mr. Kildee. The committee will come to order. This morning the subcommittee is continuing its series of hearings to prepare for the reauthorization of Chapter 1 and other expiring elementary and secondary education programs. We are pleased to have as a lead witness, Mr. William Gainer, of the General Accounting Office.

The Chairman and other members of the committee have requested GAO to do several studies to help with the committee's consideration of these programs. Mr. Gainer will summarize the findings of GAO's work on Chapter 1, Chapter 2 and dropout prevention issues.

We are also pleased to welcome Mr. William Dallam and Mrs. Charlotte Northern, representing respectively the National Association of State Coordinators of Chapter 1 and the National Coalition of Title I, Chapter 1 parents. Both of these groups are vitally important to the success of the Chapter 1 program.

We look forward to the comments of the witnesses on H.R. 950, the Chairman's reauthorization bill, and any other recommendations that they may have for the committee's consideration of this and other related legislation.

Mr. Goodling, do you have an opening statement?

Mr. GOODLING. Mr. Chairman, as I expected the hearings that we have held in Alabama, Vermont and now here in Washington are providing us with rich information about the Chapter 1 program. Not many other federal programs which after 20 years of existence continue to receive almost unanimous support and praise.

It has been nearly 10 years since Chapter 1 went through a full-scale reauthorization. This makes it all the more important that we carefully examine how the program works and how it can be improved. The testimony so far has been very helpful in this regard.

I would like to welcome Bill Dallam, who is a fellow Pennsylvanian, and state coordinator of Chapter 1 in my state. He is also serving as head of the National Association of State Chapter 1 Coordinators this year. We look forward to your remarks and expect to here the wisdom that is a product of your long experience with Chapter 1.

I am also looking forward to the testimony of parental involvement in Chapter 1. As anyone who has been listening to me over the past three years can tell you, I feel very strongly about this issue. In Chapter 1, I feel that it means that one works with the parent and the child at the same time particularly in a pre-school setting which is what Even Start is all about.

I look forward to hearing from the Chapter 1 parent this morning also.

Thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Mr. Goodling. I noted you used the word "wisdom" which I think is a very appropriate word. Wisdom goes beyond knowledge. I guess wisdom is the very precise and careful use of knowledge, and we can use all the wisdom that you have for us in this reauthorization.

Mr. GOODLING. Now you know what the Chairman taught before he came to Congress of the United States.

Mr. KILDEE. In real life I was a teacher.

Mr. Gainer of the Human Resources Division of the General Accounting Office. We would encourage you if possible to summarize your testimony, and your entire written testimony will be made part of the record of this hearing.

STATEMENT OF WILLIAM GAINER, ASSOCIATE DIRECTOR, HUMAN RESOURCES DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY: PAUL POSNER, DEBORAH EISENBERG, ELLEN SEHGAL, HUMAN RESOURCES DIVISION, GENERAL ACCOUNTING OFFICE, AND ROBERT COUGHENOUR, DETROIT REGIONAL OFFICE, GENERAL ACCOUNTING OFFICE

Mr. GAINER. Thank you, Mr. Chairman.

As you noted, we are here to summarize the work on several jobs that we have underway or that we have completed, and most of this work was done specifically for this committee, or members of the subcommittee. I will try and make my remarks as brief as possible and I have a prepared statement I would like you to read into the record. We have attached some other materials to it which we think are also relevant to the topics we are going to discuss.

One note is that the request for our testimony asked that we comment on the private school situation under Chapter 1 and we have not completed that work yet, but will be reporting to the subcommittee shortly on that matter as well. We do have somebody here who worked on that job so that if questions on how the work is proceeding comes up, we could address some questions.

Mr. KILDEE. That testimony will be made part of the record either at this hearing or a subsequent hearing, and you may continue.

Mr. GAINER. The first topic I would like to touch on is the selection procedures under the Chapter 1 program. My remarks are based on a study of eight states, 17 school districts and 58 schools where we actually went in and replicated the decision-making process to see if in fact districts and school officials were following the Chapter 1 guidelines and the procedures they set at the district level.

We found that in both cases, in selecting schools at the district level and in selecting students, that there were very few errors made by school officials. And that by and large, they were following the guidelines that they set.

I should say, however, and perhaps it may be a little flippant, it is not that hard to follow the rules you set yourself. And there is a great variety and discretion in the law given to the selection of students under Chapter 1.

For example, in Lansing, Michigan, which is one place where we did detailed work, only students that score below the 20th percentile on nationally normed tests are selected into the Chapter 1 program.

In other districts in the country, they allow students up to the 50th percentile on standardized tests. In still others, they use a variety of criteria, including professional judgments of teachers, reading series comprehension and other criteria which allow districts to in effect select students who in some cases are well above the 50th percentile on test scores.

I think given the way the program works it is clear that, looking across districts, many needy students or educationally disadvantaged students served in some districts would not be served in other districts, and I make that point because I think there is some potential to look at the possibility of tightening the targeting under this program.

On the fiscal provisions under Chapter 1 program, we did a quick analysis for the subcommittee. We did survey all 51 SEAs to find out what their policies were toward comparability and supplement versus supplant. We visited four states and nine districts in order to get some tangible evidence on what was going on out there.

As you know, there is a substantial amount of legislative and regulatory change between Title I and Chapter 1, and we summarized those in my prepared statement at Exhibit II-1.

Some states in effect are continuing to do virtually the same thing that they did under the Title I program and very little has changed in the way they handle comparability. I think by and large though most of the states have changed their procedures in some way. Some of these I believe are significant.

Now 44 states do continue to require recordkeeping at the district level on comparability. And Education, the Department of Education has maintained all along that this recordkeeping is required under the law. There are some districts, some states, however, who feel differently and do not believe that they have to keep documentation on comparability.

To look at some of the other changes that have taken place, only 11 states must now report, or 11 states in which districts must report to the state annually on comparability. Only 16 must meet comparability on a per pupil expenditure basis where as under Title I they had to meet comparability both on a per pupil expenditure basis and the staff/student ratios.

Thirty states are now allowing for a greater variance than was allowed under Title I in terms of these expenditures and ratios. Namely, 30 states now allow up to a 10 percent variance between Chapter 1 and non-Chapter 1 schools in the districts.

On a technical point: Only 12 states now require that comparability be recalculated mid-year, whereas under Title I they were required to calculate twice a year on maintaining comparability.

As regards the monitoring at the state level of these fiscal provisions, we found that the monitoring at the state level is limited and rather infrequent. For example, in the states that we visited monitoring took place only every three to five years at the district level. And when they went to the district level, they were not looking to make sure that comparability was actually being maintained but, rather, looking at the procedures and the policies at the district level.

Overall, with the changes in the variance that is allowed and the weak monitoring—although we found no problems in comparability in the limited work we did—I think there is a potential to comply with the law and yet have rather significant variances between Chapter 1 and non-Chapter 1 schools.

On the Chapter 2 program, we have just completed a short report which was published last week on the data collection under the education block grant versus data collection under the other block grants, and we did an earlier study on administrative costs, and I would just like to make a couple of points on those.

As I am sure you are aware, the education block grant has no national data collection strategy. It is the only block grant which does not require state reports to be submitted to the Federal government. We believe that for congressional oversight, for states to be able to compare their effort to other states and for auditors like ourselves to be able to know what is going on in a program like Chapter 2, that some data collection strategy is necessary. However, given the current state of the legislation, it is going to be necessary to change something in the law in order to be able to institute any kind of adequate data collection strategy. And in questions and answers we can provide you some further thoughts on what would have to be done.

As regards administrative costs, there has been some concern that under this particular block grant the states are using a lot of their 20 percent money for administrative purposes at the state level. I noticed that there are a number of proposals, both the administration and Senator Pell's proposals which would change the way in which administrative costs could be paid for by the states from Chapter 2 money. And I think our work on the education block grant and the other block grants would indicate that it is very difficult to control administrative costs. There are a variety of techniques used. Most of the other block grants have a dollar limit, or a percentage limit on the amount that can be spent for administrative costs. But in this particular program limits might be very difficult to enforce because a lot of the money spent on education is not Chapter 2 or Federal money. We also have some suggestions as to how you might approach that problem.

The final item I would like to address is the work we have been doing on dropout intervention programs at the local level. At the request of Mr. Hawkins, Mr. Goodling, and Mr. Hayes, we have been surveying local programs and have identified perhaps 2,000 local programs, although we tried to send our questionnaire to a much smaller number, about 1100 which cover most of the states in the union. I believe we have coverage of virtually every kind of school and school district in the country even though it is not a representative sample.

I think there are a few points from this work that may be interesting to you.

First of all, the programs that we surveyed do seem to be serving the at-risk group; namely, they serve students from low income households, minorities, students from rural areas. Twenty-five percent of the programs served kids who dropped out of school. Seventy-five percent are serving those that are designated or estimated to be at risk.

The interventions that are being used at the local level seem to target the problems that exist. And when I say that, they target the problems that were identified in our June 1986 report which was done again for the subcommittee, and the purpose of that report was to find out who these dropouts are and what kind of problems they have. And the local programs that we surveyed seemed to be hitting the needs of those students.

Finally, and I think this may be the most interesting thing that has come out of this recent work, is that there seems to be a consensus both among the literature on at-risk youth and the practitioners who responded to us in this survey regarding what works.

The practitioners again and again mentioned the same things as critical to effective programs. Some of them are obvious. (Maybe to a teacher all of them are obvious). When we reported earlier this year we said that there did not seem to be a consensus on what worked. And I think with our further work and what the practitioners are telling us, we know that a caring and committed staff is just essential to kids who are estranged from the educational system.

A nonthreatening environment is extremely important and in many city schools and inner-city neighborhoods you have students who are afraid to come to school.

You have to have individualized instruction because this is the type of student that is failed by the traditional educational system. You have to have smaller classes and you have to have a variety of media and teaching methods which can be tailored to the needs of the individual student.

Something that was not obvious to me, is that flexible hours are important, because many of these students have jobs. Many of the dropouts have other responsibilities they have to meet.

And, finally, you have to have a multifaceted approach because each one of these kids has a different kind of problem. A teenage mother has a different problem than a 19-year old dropout who cannot find employment. I think by and large these things tell us a lot more and give us a lot clearer picture about what kind of programs ought to be pursued in this area.

The practitioners did identify some barriers. Not surprisingly about a third of them said they did not have enough money. But they did link it to some other specific problems. For example, they have inadequate day care in many places, their classes are too large, and particularly important I think because most of these programs do not do it, is the schools and the officials we talked to indicated that there is a need for early intervention, before kids get into the teenage years because that is where the problems they have initially develop.

That concludes what I have to say, and I and my colleagues are available to answer any questions that you may have.

[The prepared statement of William J. Gainer follows:]

SUMMARY OF GAO TESTIMONY BY WILLIAM J. GAINER ON ELEMENTARY AND SECONDARY EDUCATION

GAO testimony covered recent work on the Chapter 1 Compensatory Education program, the Chapter 2 Education Block Grant program, and an analysis of nearly 500 local dropout prevention programs.

Chapter 1 Student Selection. A review of student selection decisions for 8,200 children in 53 schools and 17 school districts revealed few selection errors for participants in Chapter 1 reading programs. As permitted by law, districts develop their own selection criteria for educationally disadvantaged students and these criteria vary significantly. Most districts use nationally normed tests but cut off scores for eligibility vary from the 20th to the 50th percentile. Other districts rely more on teachers' professional judgments. As a result, in one district only students who scored below the 20th percentile were served, while in another district students who scored at or well above the 50th percentile received help. This variation means that some of the nation's needier children are not being served.

Chapter 1 Fiscal Provisions. GAO found that 44 states continue to require school districts to maintain the same type of documentation to demonstrate comparability of services between Chapter 1 and non-Chapter 1 schools as required under Title I. However, in measuring comparability 30 states currently permit their school districts to exceed a 5 percent variance, which was the maximum allowed under Title I, and monitoring of compliance at the state level is generally limited and infrequent.

Chapter 2 Data Collection and Administrative Costs. The Education Block Grant is the only block grant which does not require submission of state program reports. Thus, timely and comprehensive information on how states use federal funds is not available. If statutory changes were made, the Department of Education could work with organizations representing state grantees to identify data needs. The lack of national reporting standards and the difficulty of defining administrative costs also make it difficult to analyze or control the use of funds for program administration. In an earlier report GAO developed options for tracking and controlling administrative costs.

Local Dropout Programs. The majority of those being served are minority youth from low socio-economic status households. Three quarters are potential dropouts and the remainder have already dropped out. Local dropout program officials identified factors they perceive as critical to effective programs. These factors were (1) caring and committed staff, (2) secure classroom environments, (3) personalized instruction, (4) flexible curricula and school hours and, (5) links to social service agencies and the employer community. This strong consensus among practitioners is buttressed by the literature on helping "at risk" youth, thus providing a much clearer picture of how dropout programs should be structured.

United States General Accounting Office

GAO Testimony

For Release
on Delivery
Expected at
9:30 a.m. EST
Tuesday
March 3, 1987

EDUCATION'S CHAPTER 1 AND 2 PROGRAMS AND LOCAL DROPOUT PREVENTION AND REENTRY PROGRAMS

Statement of
William J. Gainer, Associate Director
Human Resources Division

Before the
Subcommittee on Elementary, Secondary,
and Vocational Education
Committee on Education and Labor
House of Representatives

GAO/T-HRD-87-2

Mr. Chairman and members of the Subcommittee:

I am pleased to be here today to discuss GAO work[1] related to the reauthorization of the elementary and secondary education programs. As you know, much of this work was requested by this Subcommittee.

My testimony will briefly summarize the most important findings from our work on:

-- Chapter 1 compensatory education student selection process and program fiscal provisions.

-- Chapter 2 education block grant data collection activities and administrative costs.

-- Local dropout programs including preliminary results of our analysis of nearly 500 local dropout programs.

I have attached some materials to my written statement which elaborate on these topics where we thought it would be helpful, and ask that these be included in the record. At the conclusion of my testimony, a panel of GAO staff and I will answer any questions the Subcommittee may have.

CHAPTER 1 STUDENT SELECTION CRITERIA

According to Chapter 1 of the Education Consolidation and Improvement Act, a school district must (1) identify schools with the greatest concentration of poor children, (2) identify educationally needy students in these schools, and (3) ultimately select the neediest students to receive services. Since no specific federal criteria exist, we used state or local selection criteria employed by the 17 school districts in the 8 states we visited to determine compliance with legislative selection principles. Our data indicate that, for the most part, school officials followed their established guidelines.

Our review did not consider the question of whether Chapter 1 eligibility should be tightened. However, it is important to note that the administration recently proposed that more Chapter 1 resources be directed to school districts with the highest concentrations of poor children, that funds be targeted within a school district to the poorest one-third of a district's school attendance areas and that those children in greatest need of remedial services be selected at the school level.

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[1] Education Block Grant: How Funds Reserved for State Efforts in California and Washington Are Used, GAO/HRD-86-94, May 13, 1986; School Dropouts: The Extent and Nature of the Problem, GAO/HRD-86-106BR, June 23, 1986; Compensatory Education: Chapter 1 Participants Generally Meet Selection Criteria, GAO/HRD-87-26, January 30, 1987; and Block Grants: Federal Data Collection Provisions, GAO/HRD-87-59FS, February 24, 1987.

Selecting schools

We found the first step in the student selection process--selecting schools with the highest concentrations of low-income children--was done properly in each district we visited. According to questionnaire responses from 51 state agencies, the criteria for this step was furnished most often (39 states) by the state agency, and the most commonly specified criterion was the number of children receiving a free or reduced price lunch and/or from households receiving Aid to Families with Dependent Children.

Student Selection

As permitted by current law, districts used a wide variety of methods to first identify educationally deprived students in each school and then to decide which of these students had the greatest need for assistance. However, nearly all districts used standardized test scores in some way to select students. Eleven of the 17 districts we visited used standardized reading and mathematics test scores almost exclusively to select students. Cutoff test scores used to identify those eligible ranged from those scoring below the 20th percentile to the 50th percentile. Then to select the neediest children, students were ranked by test score and those with the lowest scores were selected. The remaining six districts used multiple selection criteria--test scores in combination with other factors such as teacher recommendations or classroom performance--to select the neediest children. Most used the same selection procedures they did under the prior Title I program.

The 11 school districts that relied entirely on student test scores nearly always followed their own criteria. Of the combined total of 2,156 students participating, selecting officials were unable to give a satisfactory reason for program participation for only 3 percent of the students. Similarly, the six school districts in our sample that used multiple criteria to pick a total of 604 students for Chapter 1 participation had a very low error rate for those they selected (1 percent) and those they excluded (less than 1 percent).

Variations In Who Was Served

Because of the variations in selection criteria, we also found differences among districts in the severity of need among those served. For example, in Hattiesburg, Mississippi, which used a 50th percentile cutoff, students in Chapter 1 reading had scores from well below the 20th percentile up to the 50th percentile. In contrast, only one participant in Lansing, Michigan, which cut off participation at the 20th percentile, scored above that level.

Similar differences in students served occurred between districts using test scores only and those with more judgmental selection methods using multiple criteria. For example, Georgia's Bibb County, a multiple-criteria district, defined educationally deprived children as those who were either one or more books behind in the fourth grade reading series or who scored below the 50th percentile. Students behind in the reading series were given preference to those scoring below the cutoff. Thus the Bibb County schools in our sample served one-third of the students with percentile scores from 0 to 50 and one-fifth of the students above the 50th percentile.

CHAPTER 1 FISCAL PROVISIONS

Chapter 1 fiscal provisions are intended to ensure that children receiving federal assistance do not receive less in the way of state and local funded services than they would receive if there were no Chapter 1 program. We looked at two of these fiscal provisions--"comparability of services" and "supplement, not supplant state and local funds". (See Exhibits I and II.)

Comparability of Services

As you know, the 1981 Chapter 1 legislation sought to reduce federal control inherent in Title I and increase state and local flexibility. Under Title I, school districts could not discriminate against or among Title I funded schools in the provision of state and local resources. State and local spending per pupil had to be roughly "comparable" among all district schools. Chapter 1 (and its implementing regulations) modified the comparability provision and eliminated specific annual reporting requirements. The variance allowed between spending on Chapter 1 and non-Chapter 1 schools, which had been 5 percent under Title I, was also relaxed.

Current law requires only that school districts file a written assurance with state education agencies that they have established policies to maintain equivalency of (1) teacher salaries, (2) number of teachers, administrators, and auxiliary personnel, and (3) school materials and instructional supplies. Federal regulations do, however, require school districts to keep records that facilitate an effective audit and demonstrate compliance with Chapter 1 requirements.

Most states have continued to require districts to maintain documentation to prove comparability but with no specific reporting requirement and infrequent monitoring we cannot be sure that comparability is being maintained. At least 30 states have also relaxed the variance requirement and allow up to a 10 percent variance. To elaborate, although the requirement for school districts to report annually to states on comparability was dropped, 44 of the 49 states, including the District of Columbia, which responded to our questionnaire continue to require school districts to collect and maintain the same comparability data required under Title I. Of the 44 states that have continued to require districts to maintain specific documentation to demonstrate comparability, 30 have taken advantage of the relaxation in the noncompliance threshold used for measuring comparability. That is, the majority of states have increased from 5 to 10 percent the variance allowed between Chapter 1 and non-Chapter 1 schools in terms of their student-staff ratios, salary expenditures per student, or other measures. Also, most states still requiring recordkeeping, do not make school districts demonstrate that comparability is being maintained during the second half of the school year, as required under Title I.

Although the Department of Education has remained firm in its enforcement of the comparability provision, the states we visited generally did not monitor districts more than every few years. Moreover, at several of the school districts we visited we were told that state monitors check only for the existence of local policies which contain the assurances--they do not test for the implementation of such policies.

Supplement, Not Supplant

Chapter 1 legislation also modified the manner by which school districts could comply with the supplement, not supplant provision. Under Title I, school districts had to use federal compensatory education funds to supplement, that is, to increase the level of funds that would, in the absence of federal funds, be made available from state and local sources for participating Chapter 1 children. Chapter I modified this requirement by adding an "exclusion" provision under which supplement not supplant no longer applied to state and local compensatory education programs if such programs were "consistent" with the purposes of Chapter 1. As a result, Chapter 1 funds may displace state and local compensatory education funds without violating statutory requirements.

Eighteen states have their own state compensatory education programs in addition to Chapter 1. These are the states that may take advantage of the change in the supplement, not supplant provision. Seven of these states told us that their school districts were not using the exclusion provision, and thus, were continuing to distribute state compensatory education funds to schools as they did under Title I.

Although officials in the 11 other states said that their school districts use the exclusion provision, they were unable to identify the number of school districts using the provision. As a result, we were unable to get an overall sense of how extensively the exclusion provision was being used. We did, however, visit 6 school districts with state compensatory education programs in 3 of these states. In 3 of the 6 districts we found that the method of distributing state compensatory education funds had not changed, and, in fact, the districts were distributing state funds only to eligible Chapter 1 schools. In the other 3 school districts, some or most of the state compensatory education funds were distributed to eligible Chapter 1 schools.

CHAPTER 2 DATA COLLECTION ACTIVITIES AND ADMINISTRATIVE COSTS

A recurring problem with this block grant program is obtaining a national perspective on how these funds are used, without unduly burdening the states with reporting requirements. While the Department of Education must report annually to the Congress on the use of Chapter 2 block grant funds, the legislation does not provide the means to collect needed information. In fact, the education block grant is the only block grant that does not require state program reports--a primary mechanism to collect information. In an attempt to provide a national picture of block grant activities, the Department contracts for special studies and analyzes voluntarily submitted state evaluation reports. This approach clearly minimizes the cost and burden to states, but, on the other hand, it does not provide data that are timely or comprehensive.

We believe national reporting standards can be an important tool for overseeing block grant activities. For several other block grants, federal agencies obtain national data with less regulatory burden by working with national organizations representing state grantees to identify what data should be collected and to develop standardized forms. This approach could also be useful for the education block grant, but statutory changes giving the Secretary of Education and the states greater authority to collect information would likely be more effective.

As we pointed out in our May 1986 report to you, the lack of standard definitions for administrative costs also affects the ability to analyze the extent to which states use their share of Chapter 2 block grant funds to subsidize their administrative costs. We noted that the development of standard definitions and mandatory reporting requirements could provide a more uniform national picture of the use of block grant funds for administration, but that imposing such requirements could also be controversial and would increase state administrative burden. Our report set forth four possible options to keep better track of funds used for administrative costs and potentially restrict states' use of funds for that purpose.

LOCAL DROPOUT PREVENTION AND REENTRY PROGRAMS

Finally, I would like to provide the subcommittee with information we have developed during our ongoing analysis of data from 465 local dropout programs. Questionnaires were sent to officials of more than 1,000 dropout programs identified for us by various education, employment, and training related organizations. These local programs, which were in operation in 1985-86 and are still operating today, cannot necessarily be regarded as representative of all local dropout activities, but we believe that they reflect the principal patterns being followed in local programs, and the perceptions of experienced program staff who responded to our questionnaire.

Who is served and why?

Based on our questionnaire data, we estimate that roughly three-quarters of the youth in these programs were potential dropouts and one-quarter had been dropouts at some time. Problem characteristics which many of these youth share are being behind in grade level, and exhibiting chronic truancy and disruptive or withdrawn behavior. Demographically, about three-quarters of the youth served were from low socio-economic status families. Slightly over half of the youth were male, from minority groups, and age 16 or younger. About two-thirds were from urban areas, 20 percent were from suburbs, and 14 percent were from rural areas. These characteristics are consistent with those described in our earlier report as those predictive of dropping out.

The primary objectives of these programs were reported as improving youths' academic performance and attitudes. Many programs also pursue specialized objectives important for some youth: job training and placement, return to school for those who have dropped out, and pregnancy and parent support services. Most programs obtained special funding (beyond regular school districts operating funds) from federal, state, or local governments as well as corporations and foundations. Over 40 percent of these programs rely to some extent on funds from federal sources, such as the Job Training Partnership Act.

Nature of interventions

The interventions customarily involved a range of efforts rather than a single service. Basic education and personal counseling were reported by about 90 percent of the programs. Also frequently cited were career counseling (74 percent), efforts to promote parental involvement (73 percent), assistance in obtaining social services (66 percent), job skill training (60 percent), and job search assistance (65 percent). In addition, about half of the programs reported offering pregnancy/parental counseling, and about one-fifth cited child care services.

Program operators we surveyed overwhelmingly regarded their programs as having positive results. And the factors they highlighted as most critical to program effectiveness were similar to those highlighted in literature on educating at risk youth. In their judgment, these factors were a caring and committed staff, a nonthreatening classroom environment, individualized instruction, low student-teacher ratio, and flexibility in curriculum and school hours. Important, too, were links with social service agencies and with employers, and the involvement of parents in students' progress. This seeming consensus of practitioners, which coincides with findings in the literature may be the most important finding in our recent work on dropouts.

Barriers to success

In our survey, we asked program operators to identify the most significant barriers to further program success and methods for overcoming such barriers. Among the problems the respondents noted are difficulties outside the school environment, such as a troubled home. Parents are sometimes apathetic, have severe problems themselves, or are unable to change youths' attitudes. Several program officials were concerned that although youth respond well to special assistance, once they return to their regular school program they may again encounter difficulty.

Budgetary constraints were frequently cited as a barrier to effectiveness. Some officials stated simply that the needs of the at-risk youth population exceed what available resources can meet. Others pointed to particular needs such as day care, smaller classes, and computers and instructional software. Some respondents expressed concern that job training and jobs for those in school interfered with youths' education. But more often, program administrators saw a need for more vocational education and work experience.

In their comments on effective methods for overcoming these barriers some respondents reiterated the importance of personalized attention and caring. Others cited specific services as important, such as readily accessible health clinics, and the availability of child care arrangements without which some teenage mothers are forced to drop out. Of particular note given the current debate on welfare reform is some respondents' sense that there is a need to intervene at younger ages--that is, before the teenage years.

In my judgement our work indicates that currently proposed dropout legislation (HR. 738) is timely and relevant to the dropout problem in its focus on addressing the special needs of high risk populations, its inclusion of coordinated activities between secondary and primary schools and with the Job Training Partnership Act and other education and training programs and in its encouragement of the use of community resources and parents to help develop and implement solutions. The provision in HR. 738 for evaluating effectiveness is particularly useful to the bill's central aim of establishing and demonstrating effective local dropout programs.

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Mr. Chairman, this concludes my prepared statement. We would be pleased to respond to any questions.

EXHIBIT I EXHIBIT I

FISCAL PROVISIONS OF CHAPTER 1

The September 1985 Report on Changes Under Chapter 1 of the Education Consolidation and Improvement Act[1] discussed the states' implementation of the current federally funded compensatory education program. As the report pointed out, the Chapter 1 program was intended to address the special needs of a particular population of students. However, the Congress realized that this intent would not be met if school districts spent Chapter 1 funds on other groups of children, used the money for general tax relief, or failed to provide educationally deprived children with their fair share of state and local services.

The 1981 Chapter 1 legislation sought to reduce federal control inherent in Title I and increase state and local flexibility. Accordingly, Chapter 1 and its implementing regulations modified the comparability provision by eliminating special local reporting requirements for demonstrating that Chapter 1 and non-Chapter 1 schools had comparable services. As shown in Exhibit II-1, current law requires only that local school districts meet the comparability requirements by filing with the state education agency a written assurance that it has established (1) a districtwide salary schedule, (2) a policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel, and (3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. Federal regulations do, however, require school districts to keep records that facilitate an effective audit and show compliance with Chapter 1 requirements.

Chapter 1 also modified Title I so that school districts may exclude, for the purpose of determining compliance with the supplement, not supplant requirement, state and local compensatory education funds if those programs are consistent with the purposes of Chapter 1. This exclusion provision (Section 558(d) of Chapter 1) represented a major change in the previous supplement, not supplant requirement under Title I. That is, under Chapter 1, states and local school districts are no longer required to provide children participating in a Chapter 1 program with an equitable share of state and local compensatory education funds. Chapter 1 funds may be withheld from school districts not in compliance with Chapter 1 provisions.

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[1] Prepared by a congressional staff member for the Subcommittee on Elementary, Secondary, and Vocational Education, House Committee on Education and Labor.

At the request of the Chairman and Ranking Members of the House Subcommittee on Elementary, Secondary, and Vocational Education, GAO reviewed the states' implementation of the comparability and supplement, not supplant provisions of Chapter 1 legislation. Specifically, GAO's objectives were to determine the extent to which local school districts

-- can support the written assurances they make to state education agencies that services provided in Chapter 1 schools are comparable to services being provided in non-Chapter 1 schools, and

-- use the exclusion provision in determining compliance with the supplement, not supplant requirement and its effect on the distribution of state compensatory education funds to Chapter 1 eligible schools.

GAO requested documentation from the 50 states and the District of Columbia to ascertain (1) their policies to assure comparability of services in local school districts and (2) the extent to which school districts are excluding state compensatory education funds for purposes of determining compliance with the supplement, not supplant provision. As of February 26, 1987, 48 states and the District of Columbia had responded to our request for information. When necessary, GAO supplemented its review of this documentation with telephone interviews with state officials. GAO also obtained additional information at 4 state education agencies and 9 school districts. GAO visited California, New York, Pennsylvania, and Texas--states that either (1) significantly reduced their recordkeeping requirements under Chapter 1's comparability provision or (2) reported to GAO that their local school districts were using the exclusion provision. Pertinent information was obtained from Chapter 1 program officials at the Department of Education (ED).

COMPARABILITY

Although Chapter 1 provisions no longer require school districts to determine and annually report on comparability to their states, GAO found most states are continuing to require school districts, at a minimum, to collect and maintain the same type of documentation demonstrating comparability that was required under Title I. For example, as shown in Exhibit II-2, 21 state agencies require local school districts to compare

Chapter 1 and non-Chapter 1 schools in terms of the student-staff ratio; 16 states require school districts to use student-staff and salary expenditures per student ratios; 4 states permit the use of either the student-staff or salary expenditures per student ratio; and 3 states require school districts to use other quantifiable data to demonstrate comparability. The remaining 5 states require their school districts to implement the policies contained in their assurances, but make no specific recordkeeping requirements.

Of the 44 states that have continued to require school districts to maintain specific documentation to demonstrate comparability, 30 have taken advantage of the relaxation in the noncompliance threshold used for measuring comparability. That is, most states' Chapter 1 requirements now exceed the 5 percent variance allowed under Title I between project and nonproject schools in terms of their student-staff ratios, salary expenditures per student ratios, or other measures. Also, most states still requiring specific recordkeeping do not require school districts to demonstrate that comparability is being maintained at a later point in the school year, as required under Title I.

GAO visited 7 school districts in 3 of the 5 states that reported no specific recordkeeping requirements. One school district has continued to complete the comparability calculations required under Title I. In the other 6 districts, GAO was able to demonstrate comparability within a 10 percent variance using the student-teacher ratio. However, student enrollment reports and necessary staffing information were not always readily available and required various adjustments. Also, GAO was not able to calculate the salary expenditures per student ratio because the necessary salary information was frequently not broken out by school and/or did not exclude that portion of salary costs brought about by years of service.

GAO also visited 2 school districts in one state that continues to require districts to complete comparability reports. In these districts, GAO observed that the comparability reports were not completed in a timely manner. That is, as of February 1987, comparability for school year 1986-87 had not yet been determined.

Three of the 4 states GAO visited monitor each of their school districts for compliance with comparability and other Chapter 1 requirements once every 3 years, and the other state monitors each of its districts once every 5 years. At 5 of the 9 local school districts visited, officials told GAO that state monitors check only for the existence of local policies contained in the assurances, and do not test for the implementation of these policies.

ED routinely monitors each state for compliance with Chapter 1 requirements every other year. During its state visits, ED program officials visit the state education agency and usually 2 school districts in each state. In school years 1984-85 and 1985-86, ED found irregularities in compliance with comparability requirements in 7 and 3 states, respectively. Specifically, in 1985-86, ED found an absence of specific criteria for demonstrating comparability at 3 school districts. In each case, ED requested the state education agency to ensure that comparability standards are established or maintained in the local districts.

EXCLUSION OF STATE COMPENSATORY EDUCATION FUNDS IN DETERMINING COMPLIANCE WITH SUPPLEMENT, NOT SUPPLANT PROVISION

Under Title I, school districts had to use federal compensatory education funds to supplement, that is, to increase the level of funds that would, in the absence of federal funds, be made available from state and local sources for participating Chapter 1 children. The funds could not be used to supplant state and local funds. Chapter 1 modified Title I so that, in determining compliance with the supplement, not supplant requirement, a school district could exclude state and local compensatory education funds, if such compensatory education programs were "consistent" with the purposes of Chapter 1. As a result, school districts are no longer required to provide Chapter 1 eligible schools with an equitable share of state compensatory education funds.

Officials in 7 of the 18 states[2] that have state compensatory education programs told GAO that their school districts were not using the exclusion provision, and thus, were continuing to distribute state compensatory funds to schools in the manner used under Title I. Although officials in the 11 remaining states with state compensatory education funds said that their school districts use the exclusion provision, they were unable to identify the number of school districts using the provision. As a result, GAO was unable to determine the overall effect on the distribution of state funds to Chapter 1 eligible schools in these states.

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[2] As identified in a May 3, 1985, report prepared for ED by the Decision Resources Corporation.

GAO visited 6 school districts with state compensatory education programs in 3 states that reported using the exclusion provision. However, 3 of the 6 school districts had not changed the method of distributing state compensatory education funds, and, in fact, distributed state compensatory education funds only to eligible Chapter 1 schools. The other 3 school districts distributed some or most of the state compensatory education funds to eligible Chapter 1 schools.

COMPARISON OF COMPARABILITY REQUIREMENT UNDER TITLE I AND CHAPTER 1

	TITLE I	CHAPTER 1
COMPARABILITY REQUIREMENT	State and locally funded services in Title I areas to be at least comparable to services in non-Title I areas.	Same requirement
ASSURING COMPARABILITY	School districts assured comparability through a set of specified calculations reported to state (see below)	School districts deemed to meet comparability by giving the state assurances that they have: • District wide salary schedule • Policy ensuring equivalence among schools in personnel • Policy ensuring equivalence among schools in curriculum materials and instructional supplies
DETERMINING COMPARABILITY	School districts had to show that the ratios of pupils per instructional staff and salary expenditures per pupil at each Title I school were at least 95 percent of the average for non-Title I schools	Regulations do not specify how to determine comparability. ED's guidance suggests that school districts use Title I standards but indicates that states may develop their own standards
MAINTAINING COMPARABILITY	Districts had to recalculate comparability during the school year	Unpredictable changes in student enrollment or personnel assignments shall not be included as a factor in determining comparability
DOCUMENTING COMPARABILITY	Districts sent the state an annual report and maintained records from which comparability calculations were based	No reporting requirement. Other than a general recordkeeping requirement, no specific recordkeeping for comparability
EXCLUDING CERTAIN FUNDS FROM COMPARABILITY	Exclusion of certain state and local funds from comparability: • Bilingual education • Special education • Certain state phase-in programs • Certain compensatory ed. programs	Similar exclusion provision

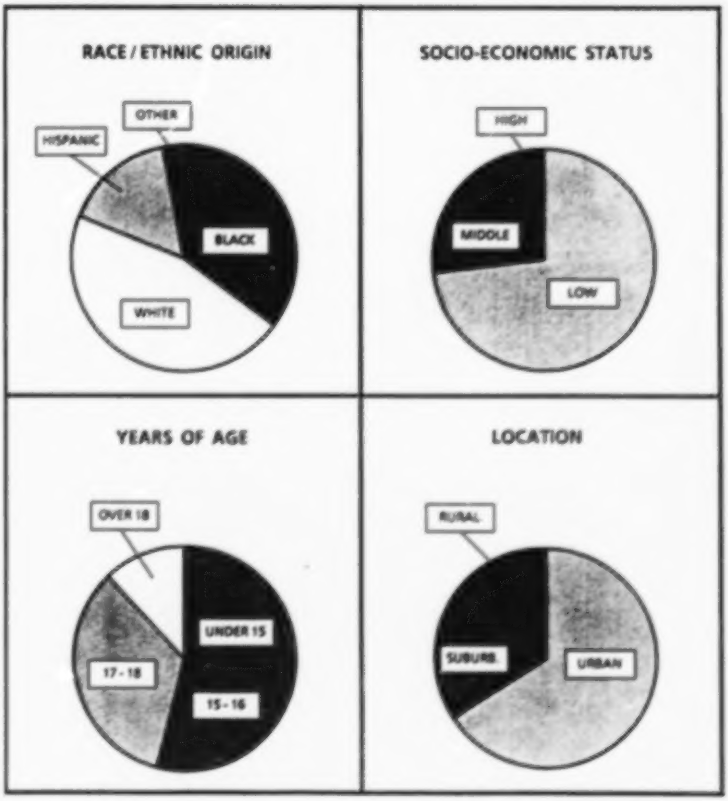
REQUIREMENTS FOR ASSURING COMPARABILITY FOR RESPONDING STATES

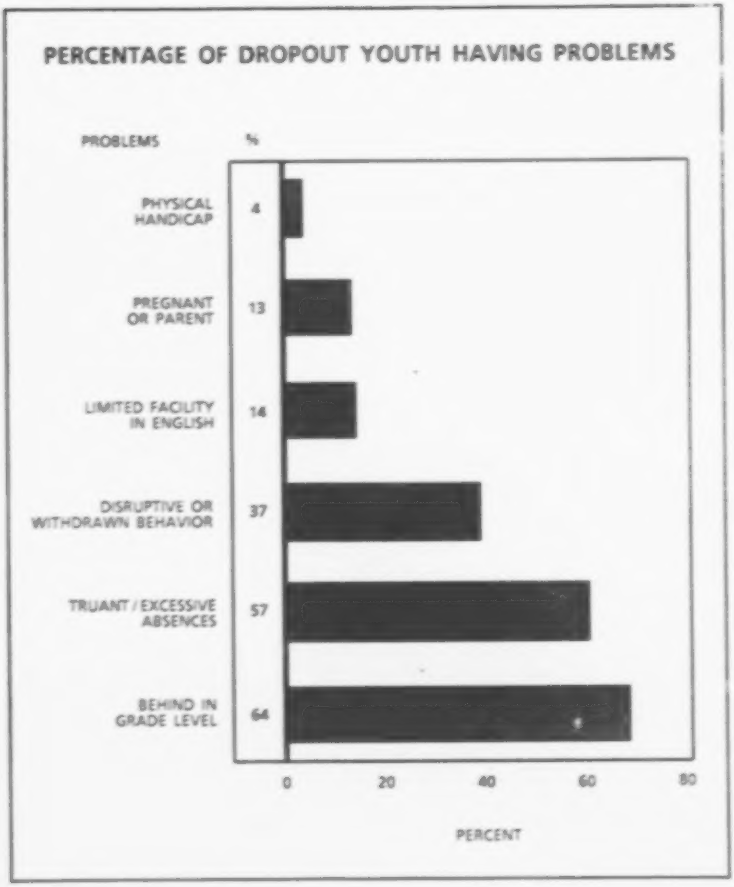
REQUIREMENTS	REQUIRED	NOT REQUIRED
File written assurances with state agency	45	4
Maintain records demonstrating comparability	44	5
Submit to state agency an annual report demonstrating comparability	11	38

DOCUMENTATION USED TO SHOW COMPARABILITY IN 44 STATES THAT REQUIRE RECORDKEEPING

ELEMENTS OF COMPARABILITY	NUMBER OF STATES
RATIOS USED TO DETERMINE COMPARABILITY	
Pupil to instructional staff only	21
Salary expenditures to pupil only	0
Both ratios	16
Either ratio	4
Other/optional ratios	3
VARIANCE PERMITTED TO SHOW EQUIVALENCE	
Five percent variance	14
Ten percent variance	30
SECOND CALCULATION OF COMPARABILITY	
Required	12
Not required	32

CHARACTERISTICS OF DROPOUT PROGRAM PARTICIPANTS





PERCENTAGE OF DROPOUT YOUTH HAVING PROBLEMS

III - 2

FACTORS REPORTED BY PROGRAM ADMINISTRATORS THAT HAD A GREAT OR VERY GREAT INFLUENCE ON PROGRAM EFFECTIVENESS

FACTORS	NUMBER	PERCENT
Caring and Committed Staff	436	94
Non-threatening Environment for Learning	411	88
Low Student-Teacher Ratio	372	80
Individualized Instruction	357	77
Program Flexibility (e.g., curriculum, program hours)	330	71
Links with Social Service Agencies	152	33
Involvement of Parents in Students' Development	140	30
Links with Employers	118	25

PROGRAM MANAGERS REPORTING PRIMARY OBJECTIVES OF THEIR DROPOUT PROGRAMS

PRIMARY OBJECTIVE	NUMBER	PERCENT
Attitudinal Change	357	78
Improve Academic Performance	355	77
Reduce Absenteeism	310	67
Placement Back in School	150	33
Job Training / Placement	120	26
Pre-natal Care / Parenting Support Services	56	12

SERVICES PROVIDED TO DROPOUT PROGRAM PARTICIPANTS

SERVICES	PROGRAMS THAT PROVIDED SERVICES		PERCENT SERVED
	NUMBER	PERCENT	
Personal Counseling	434	94	73
Basic Education	412	90	77
Career Counseling	339	74	70
Parental Involvement	338	73	58
Assistance in Obtaining Social Services	305	66	45
Job Search Assistance	301	65	47
Job Skills Training	278	60	54
Part-Time Employment Placement	248	54	34
Pregnancy/Parental Counseling	236	51	29
GED Preparation	197	43	23
Day Care	95	21	15
English As a Second Language	64	14	12

SELECTED DROPOUT PROGRAMS

TITLE	Middle College High School
LOCATION	Long Island City, New York
THRUST	Alternative high school for potential dropouts
UNIQUE ASPECTS	• Youth enroll directly after Junior High School • School located on Community College campus • Small classes with self-paced instruction • Intensive group counseling • Some Community College courses available • Community College facilities available
SERVICES	• High School curriculum • Counseling • Internships
TARGET	Primarily youth age 16 with absentee rates greater than 20 percent in the ninth grade
COST	• About $5,400 per student • Same cost as regular NYC school of similar size

TITLE	North Education Center
LOCATION	Columbus, Ohio
THRUST	Alternative high school for potential dropouts and dropouts
UNIQUE ASPECTS	• Youth and adults in same classes • School hours 8 AM to 9:30 PM • 1.5 - 2 hours per class • 5 terms per year • No "frills" (e.g., no extracurricular activities) • Attendance outreach (e.g., wake-up calls)
SERVICES	• High School curriculum • Counseling
TARGET	Youth at risk of dropping out and dropouts
COST	About $1,600 per student

SELECTED DROPOUT PROGRAMS

TITLE	Teenage Pregnancy And Parenting Project (TAPP)
LOCATION	Mill Valley, California
THRUST	Comprehensive services for pregnant teens and teen parents
UNIQUE ASPECTS	• Continuous teen / counselor relationship for up to 3 years • Counselor conducts a broad range of services
SERVICES	• Personal counseling • Pregnancy / parental counseling • Counselor identifies needed services • Counselor assists in attaining services • Counselor conducts followup
TARGET	Pregnant teenagers and teen parents
COST	$1,200 per person for case management

TITLE	Project COFFEE (Cooperative Federation For Educational Experiences)
LOCATION	Oxford, Massachusetts
THRUST	Training program for potential dropouts and dropouts
UNIQUE ASPECTS	• Regional, largely rural program • "Hands-on" occupational training • Training includes student operated businesses • Strong school / industry partnership • Individualized education linked to occupational training • Flexible hours
SERVICES	• Academic skills training • Occupational training • Counseling • Pre-employment activities • Physical education
TARGET	Youth at risk of dropping out and dropouts
COST	About $3,500 per student

SELECTED DROPOUT PROGRAMS

TITLE	Attendance Improvement Dropout Prevention Program (AIDP) Dropout Prevention Program (DPP)
LOCATION	New York City
THRUST	Programs for potential dropouts aimed at improving school attendance, in order to reduce dropout rates
UNIQUE ASPECTS	• Small classes in a "mini-school" setting • Intensive attendance outreach • Experimental service delivery techniques • Middle school to high school transition activities • Ties with business community • Ties with social service agencies • Special incentive awards • Use of paraprofessionals from community • Job training/services by community based organizations
SERVICES	• Regular school curriculum • Job training • Counseling • Remedial education • Health care • Educational enrichment program
TARGET	Youth at risk of dropping out
COST	About $1,200 per student for AIDP or DPP

Mr. **Kildee**. Thank you very much.

Do I understand that your testimony is that teachers and local administrators are properly following the law in selecting students for the Chapter 1 programs?

Mr. **Gainer**. We found very little in the way of errors that could not be explained in some sensible way.

Mr. **Kildee**. So generally and for the most part the law is being followed in this selection process.

Regarding your work with Chapter 1 comparability, are you making recommendations for us to change the law in that area?

Mr. **Gainer**. Well, I noticed that in H.R. 950 you have a requirement for recordkeeping. We think that that is a good idea. I believe that you might also want to consider going back to an explicit requirement for a variance of 5 percent which you had under the Title I program rather than the 10 percent that is now allowed under nonregulatory guidance of the department.

I think you might want to have a reporting requirement just to make sure that over time that states and localities do not slip in their compliance.

And one thing that I think may be particularly important because it allows a big variance if it is not there is the per pupil expenditure measure for comparability.

Mr. **Kildee**. In the Chapter 2 programs are you recommending that we require the submission of better data on uses of funds and that we tighten up on the definition of administration at the state level?

Mr. **Gainer**. Well, as I said in my statement, it is very hard to define what administrative costs are. And if you put in a specific percentage limit, it may not really have much effect.

For example under the Job Training Partnership Act, there is an explicit limit on administrative costs, but it really does not mean very much because there are so many ways to fund administrative costs, either through contracts or let us say differences in accounting philosophy.

But I think you have to improve the recordkeeping. You would have to do a number of things and I would like Paul Posner, who did the work on administrative costs, to talk about that a little bit.

Mr. **Posner**. Yes, just to amplify on that. We really feel that the definitions of administrative cost are inherently fraught with controversy, very slippery, difficult to define the boundaries. You might better promote accountability of how the states use the funds by taking a more positive approach which would be, instead of delineating what they cannot use the money for, to specify and clarify what they can use the money for more in goal-oriented terms. Perhaps in terms that are capable of being measured more easily than, you know, using the money for administration.

And in that way we think that you have a process that could be more valuable from an evaluation standpoint.

Mr. **Kildee**. A more affirmative definition of——

Mr. **Posner**. Right.

Mr. **Kildee** [continuing]. Permissive uses for administrative costs.

Mr. **Posner**. Right.

Mr. **Gainer**. I think that is probably the nature of what Senator Pell has done in the legislation that he introduced where he has specific goals, broad goals in the law such as dropout intervention, serving the disadvantaged, gifted and talented. There states would have a much clearer guidance on what the Congress' intent was with the law.

Mr. KILDEE. Mr. Goodling.

Mr. GOODLING. Following up on that comment. Would it really do anything to tie down administrative cost use of that money?

Mr. GAINER. It would not necessarily——

Mr. GOODLING. Just the fact that you spelled out some specific use——

Mr. GAINER. It would not necessarily unless perhaps at the same time you stipulated explicitly in the law that you did not want it to go to fund general administrative costs at the state level.

Mr. POSNER. Yes, I think that is—the idea is that the uses that are most difficult to track as we found in our study that we did for you last May are in fact the uses for state administration because there are such varying definitions of that. Even within the same state agency, we found that two similar units in California have very different definitions of administration. One defined administration as just merely the supervision of his own staff. Another defined administration as including the whole range of activities that he provided to local school districts in this case and yet in our observations they were very similar units with very differing definitions of what these costs really were and how to characterize them.

So we feel that you would be much better off kind of getting out of that whole debate by promoting more of this goal-oriented focus as to what the money should be used for from your perspective, and perhaps defining those in as measurable terms as possible. Perhaps even having a state specify measurable outputs that they would be evaluated against, or that they would evaluate the programs against.

Mr. GOODLING. But even if you do that, I do not quite understand how you have tightened up the definition of adminstration for that 20 percent.

Mr. GAINER. I guess what——

Mr. GOODLING. You can set out 30 goals that you want to accomplish, but I am not quite sure that you have set out anything that determines that the 20 percent can only be use for such, such and such, because it seems to me defining the word "administration" is our problem.

Mr. GAINER. You are absolutely right, and I guess when we favor this particular alternative, we are not saying that it will work. We are saying that if you want to control administrative costs, the other attempts to do so in the other block grants have not really been very successful, and it is even less successful where you had a lot of local money intermingled with the Federal money.

You could put in an absolute limit in the law, for example, 5 percent as I have seen in one of the proposals as kind of a signal or a symbolic gesture to the states and then those that wanted to comply with the spirit of that law might be more likely to do it. But in terms of auditing against it and making sure that people are complying, it is nearly impossible to do.

Mr. GOODLING. We want to try to keep the flexibility so that we have the creativity, et cetera, on the one hand as far as the program is concerned and at the same time not see the word "administration" abused on how you spend that money.

One other question. You say some in one chapter 1 district—this is—would not be selected in another Chapter 1 district. Are any children who definitely should be in the program denied that opportunity because the district has selected other people?

My concern is not what happens in one district and the other district, but what happens in that district.

Mr. GAINER. I think the answer to that question is probably very judgmental. I will describe a situation.

You have a district which allows, first of all, anyone who scores below the 50th percentile on test scores to be served by the program. They then modify that with other rules such as being behind in the reading series and still other criteria.

When you look at the net effect of that, in that particular district a student is almost as likely to be served regardless of their test score. Namely, you have a number of people who have scored at the 80th percentile on the standardized tests who are receiving Chapter 1 services. At the same time you have some people who are at the 20th or 25th percentile on standardized test scores who are not receiving services.

Even in that district, however, everyone of those decisions could be explained in terms of that district's rules for the Chapter 1 program.

I think the reason I made the point that I did is that if you have that kind of variation, for example, in Lansing kids between the 20th and 30th percentile, which many think are very much in need of Chapter 1 services, would not be served. Yet in other districts, people who have scored 60 and 70 on the standardized test would be served because they met some other criteria.

The net effect——

Mr. GOODLING. Is that based on the number of students? In other words, does Lansing have so many 20th and below that they could not even consider anybody else?

Mr. GAINER. I think there is a relationship there, and the national allocation of funds to districts makes a difference in who you can serve, but it is not just that. A part of it is a matter of local philosophy as to what a needy or educationally deprived student is.

And my point was that given this broad variation and the ability to interpret the law very differently these things happen, and remember, we only looked at 17 school districts and we found almost every possible set of rules for determining eligibility, but if you look nationwide, I am sure that you have even greater variety than that.

And the point I made was that it makes sense to me for the Congress to relook at that, look at the allocation formula, look at the targeting under this program since there are so many children in so many grades that are not being served at all under Chapter 1.

Mr. GOODLING. I want to thank you. You do so much work for us and I doubt whether you get very many thank you where you work.

Mr. GAINER. We are always happy to hear them.

Mr. GOODLING. We do appreciate your efforts. Thank you.

Mr. GAINER. Thank you.

Mr. Kildee. Mr. Hayes.

Mr. Hayes. Thank you, Mr. Chairman, but one of the penalties for coming late is to remain quiet.

Mr. Kildee. I am torn between tardiness and seniority when I call upon people here.

Mr. Sawyer.

Mr. Sawyer. Mr. Chairman, I am going to learn from my senior colleague.

Mr. Kildee. Okay. Mr. Solarz.

Mr. Solarz. Mr. Chairman, it is often said that fools rush in where angels fear to tread, but I do have a few questions I would like to ask.

I gather from your testimony that you found that in the determination by schools around the country of which of their students were educationally disadvantaged, that there were considerable variances in how that determination was made.

Mr. Gainer. Yes, sir.

Mr. Solarz. Even using the same basic measurements, standardized tests or whatever. And you concluded that this variation means that some of the nation's needier children are not being served.

Do you think it would make any sense for us to mandate some objective criteria for the determination of educationally disadvantaged students in order to achieve some degree of uniformity in that determination around the country, or not?

Mr. Gainer. As you notice in the prepared testimony, we were very careful not to take a position there because it is not a question that we studied explicitly. I think more would have to be done to take that kind of position.

I think though that with the wide variation you suggested that probably some clearer definition than what we have in the law now as to what an educationally disadvantaged student is might be warranted, and perhaps some place below the 50th percentile which is now the most widely used rule which in essence makes about half of the kids in the country eligible for aid under the Chapter 1 program.

Mr. Solarz. This is below the 50th percentile in what test?

Mr. Gainer. Well, they use a wide variety of tests. One that is commonly used is the California Aptitude Test and there are others.

Mr. Solarz. By that criteria, of course, in any given time half the students in the country would be considered educationally disadvantaged now matter how well they were doing.

Mr. Gainer. Absolutely. That is correct.

Mr. Solarz. Do you think there ought to be a relative criteria or a kind of objective one? For example, at any given point the 50 percent will be below the 50th percentile, but if you took reading level so that a student in the third grade was reading at a third grade level, they would be deemed not educationally disadvantaged, but if they were reading below a third grade level, they were.

I mean you might conceivably have 80 percent of the students in the third grade reading at first grade level which would suggest they are educationally disadvantaged.

Mr. GAINER. Well, I think that in essence is what they have attempted to do with the standardized test. For example, the third grade level would be defined as the 50th percentile on a standardized nationally normed test, and I think they use the national norm——

Mr. SOLARZ. Well, are you saying then that if somebody is below the 50th percentile it means that if they are in the fifth grade, they are reading below the fifth grade level?

Mr. GAINER. Yes, sir. Their norm for the grade level.

Mr. SOLARZ. Well, if that is the case, I would think that if somebody is reading below their grade level, that is a pretty fair working definition of being educationally disadvantaged. It would not matter whether 50 percent were below that level or 80 percent or 10 percent. Whatever it is they are educationally disadvantaged.

Mr. GAINER. Well, yes, except that in essence it is definition by assertion that the assumption that if you are behind 50 percent of your peers, that you are below grade level. And I do not know whether that is—I do not know whether that is an appropriate definition.

Mr. SOLARZ. Are you saying that, statistically, it is impossible for 100 percent to be at grade level?

Mr. GAINER. Given this definition, that is correct.

Mr. SOLARZ. In other words, the way it works is in establishing this score, you will always have an average and whoever is below it is considered below the grade level.

Mr. GAINER. That is correct.

Mr. SOLARZ. I see. Well, is there anything approaching a national consensus of what the cutoff figure should be? Twenty percent, or 50 percent or 30 percent?

Mr. GAINER. I think as far as we know, most districts use the 50 percent cutoff.

Another widely accepted figure would be about the lower third, 35, 36 percent, some place in there.

Mr. SOLARZ. Let me see if I have this correct. You are saying that—if they provide aid to everybody under the 50 percent percentile; in the lower 50 percent rather than say the lower 20 percent, it means that money is being spent on that group of kids between 20 and 50 percent that if it was not being spent on them would be available to spend on more kids who were under 20 percent elsewhere?

Mr. GAINER. Yes. In fact, the way the program works—the way the money is allocated nationally—you will find in some districts a lot of people·that would be say below the 33rd percentile that will not receive any services.

The NIE study, which you probably are familiar with on much older data but I do not have any reason to believe that that has changed very much, showed a very large number of people with low test scores who received no compensatory education services.

Mr. SOLARZ. Why is that?

Mr. GAINER. Well, it is a matter of the way the allocation formula works. Some school districts get very little in the way of funds even though they have very poor performing students.

Mr. SOLARZ. Do you have any figures which would indicate how many students in the country are theoretically eligible for this as compared to how many are actually receiving benefits from the program?

Mr. **Gainer**. Well, theoretically if you wanted to devise say a cutoff score on these tests, either a third or a half of all students in the country would be eligible for compensatory education. But in fact only about less than 5 million students receive any aid in a given year.

Mr. **Solarz**. Out of how many?

Mr. **Gainer**. It must be around 45 million.

Mr. **Solarz**. Well, it would not be a third or a half because you have to be in an area which is defined as economically deprived first.

Mr. **Gainer**. Well, that is why I said theoretically eligible.

Mr. **Solarz**. But pursuing that point for a minute, do you have any thoughts about whether the allocation strategy for these resources should be changed? Right now we basically concentrate the money on the neediest districts, and then within them on the educationally deprived. Would it make any sense to provide the money on the basis of where the neediest individuals are so that resources are made available in districts which were not as a whole economically deprived but where there might be a number of economically deprived kids who are also educationally disadvantaged who are now not eligible?

Mr. **Gainer**. I guess as a matter of fact 99 percent of the districts in the country that have more than 10,000 children, the large districts, do receive some Chapter 1 funding. And it is probably similar for the smaller school districts as well. There are not that many districts that do not get some funding now.

But just from a structural point of view, you have—you are always going to have a problem with how to allocate the funds. But I think from an equity or a conceptual point of view, you would prefer to have it individual-based. Rather, if there is a kid in the country who needs help, you would rather see the funding go to that kid rather than worry about whether the districts themselves are getting their fair share of the money.

And I do not know, we have not done any calculations to see how it would play out. But if you did target the funds somewhat more than they are now at that individual selection level, you would probably have some room to reallocate funds say to a district like Lansing that does have more educationally disadvantaged students than they can serve.

Mr. **Solarz**. I was meeting with some of the people in my district over the weekend who were saying that there were schools that had lost their Chapter 1 funding because the percentage of kids from a poverty background had declined. They still had quite a few, but they were no longer eligible for the funding.

Mr. **Gainer**. That is one of the problems with the allocation scheme.

Mr. **Solarz**. Right.

Mr. **Gainer**. Essentially if a school in a district falls below the median or the average for the district in terms of disadvantaged students, they get no funds.

Mr. Solarz. Well, do you know how many schools in the country are not receiving funds because they do not meet the threshold requirement?

Mr. Gainer. No, I am tempted to try and figure it out while I sat here, but I think that is probably not very smart. I could give you the wrong answer.

Mr. Solarz. Could you give us that for the record?

Mr. Gainer. Certainly.

Mr. Solarz. And could you let us know how many of those schools you believe do have a number of kids who, would individually qualify even if the institution does not? I assume virtually all of them, but there may be some that come from areas where there are no poor people at all.

Finally, on this question of documenting comparability, you indicated that the recordkeeping on the part of many of the states was presumptively insufficient and that they do not really check this very thoroughly even though they maintain the requirements.

Do you think that it would make any sense to put some somewhat more stringent reporting requirements in the law in order to ascertain that comparability is being maintained and that these funds are not being used to replace resources that would otherwise be available. Or would that simply be another burden that would not really change anything?

Mr. Gainer. I guess I have a couple of answers.

First of all, I think everything we know leads us to believe that local school officials try to comply with comparability and every other letter of the law and that they take the requirements under Chapter 1 very seriously. So I am not sure that recordkeeping in and of itself is a problem.

From sort of an auditor's point of view though, you always would like to make sure that there is some kind of a trail either of numbers or of checks and balances to make sure that people are doing as required.

I think recordkeeping is still being maintained at the district level. What you do not have is reporting to the states, so that there are in fact some school districts, some schools where the comparability calculations are really not taking place at all anymore. They have a set of policies which they think should generally lead to comparability, but they are not really checking those ratios anymore.

So recordkeeping in and of itself might not be a big improvement. But a reporting requirement to the state along with some other things that I mentioned such as reducing the variance allowed between Chapter 1 and non-Chapter 1 schools could have a significant effect on the services to those kids in the schools that have a high percentage of disadvantaged.

Mr. Solarz. What kind of reporting would be required if this were to be done?

Mr. Gainer. Well, what I was referring to was a requirement similar to the one you had under Title I which just requires a state report based upon some ratios to show that the calculation has been made.

Mr. Solarz. Ratios of students to teachers and that sort of thing?

Mr. Gainer. And expenditures per pupil.

Mr. **Solarz**. And would that be particularly burdensome?

Mr. **Gainer**. I think some districts would maintain that it is, although an awful lot of them continue to collect the information and do the calculations now, so it probably really would not.

Mr. **Solarz**. Thank you very much, Mr. Chairman.

Mr. **Kildee**. Thank you, Mr. Solarz.

I have noted through the years on this program and on a similar program in Michigan that there are generally political, philosophical and education considerations that do go into this two-pronged formula for this program, and I guess that would always be the case on that.

Mr. Ford.

Mr. **Ford**. Thank you.

What do you suggest might be the result of what you found here? As an auditor, it makes you uneasy that there is not a neat accounting practice in place out there. But as a practical matter, how much concern should we give that in determining whether or not to extend this program? Do you have any thought that it affects quality of the program or affects the target of the program in any way at all?

Mr. **Gainer**. I think as I said, aside from the recordkeeping which you can almost think of as a separate issue, I think there are enough changes that took place in the way comparability is being calculated now that you could get a much greater variance and comply with the law today between Chapter 1 and non-Chapter 1 schools.

For say a trivial example, you could have had say a school, two schools side by side, Chapter 1 and non-Chapter 1, and under the old rules where you had 19 teachers in the Chapter 1 school and 20 in the non-Chapter 1 school, and you would comply, roughly speaking, with the comparability provision. Now you could have 18 teachers versus 20 teachers and comply with comparability.

If you translate that, which I have not done, into a student/teacher ratio in each classroom, you could be saying that under let us say the philosophy of the law you would like to see 20 teachers in each school. And under the letter of the law, as currently being enforced, you could have 18 teachers and that would significantly affect your student/teacher ratio.

Mr. **Ford**. Well, for those of us who were never very happy with how we got Chapter 1 to replace Title I, it does not surprise me that it was sloppily drawn. It was part of an instrument that was an absolute monument to sloppy drafting. It was called Gramm-Latta. That was the first time Hurricane Gramm struck American kids.

What we were concerned about back in the old Title I with this whole issue, of course, should be fairly obvious. That when you pick out target schools because of the nature of the population inhabiting the school attendance area and that has the very high correlation that the formula dictates with low income, then it is suggested that your Title I schools are going to be in those towns that still have a good side of town and a bad side of town. And it was our concern that they not use the Federal money on the bad side of town and thereby supplant their local resources and make for more money available in the "good side of town". That is why we are in this mess in the first place.

Now what you are suggesting is that what was billed by proponents as more flexibility to the local people is potentially more flexibility to do the things we used to do before they had to be sued to stop them from doing it. There is indeed, now, the potential of separate but unequal—even worse than Plessy vs. Ferguson—education for the poor kids in town and those who live in the more affluent part of town.

Is that not the ultimate result you get if you do not pay attention to comparability?

Mr. **Gainer**. Yes, I think there are several other ways in which the comparability calculation can be made so that you could have even more variance in the example that I gave between the quality of education in one school on one side of town and the other school on the other side of town and still meet the comparability provision as it is drawn today.

Drawing it tighter probably would not bother the districts that are trying very hard to comply, but it might bother some that are taking advantage of the current rules.

Mr. **Ford**. Thank you very much.

Mr. **Kildee**. Mr. Gunderson.

Mr. **Gunderson**. Thank you, Mr. Chairman, and thank you for your statement. I have had a chance to read it during the questioning process.

What I want you to do is to confirm for me as I have interpreted your statement that generally the discretion given to states and local education agencies in the implementation of their Chapter 1 program has worked out quite well; is that correct?

Mr. **Gainer**. We have no evidence to the contrary. They are following the rules as far as we can tell in every way.

Mr. **Gunderson**. Is there any basis from the studies that you have pursued which would suggest that we need to enact a stricter criteria on the state or local education agencies in implementing their Chapter 1 programs?

Mr. **Gainer**. You mean in terms of student selection or just generally?

Mr. **Gunderson**. Generally.

Mr. **Gainer**. Well, Mr. Gunderson, you know we only looked at a few of the fiscal provisions, so those are really the only ones that we know anything about in this regard. And pretty much what I would confine my remarks to in terms of tightening up was the comparability requirement where we know that, for example, in terms of the 10 percent variance, we know that 30 states now allow the use of the 10 percent variance. And I guess it is clearly a philosophical question as to whether or not 10 percent is acceptable or not.

I would say if the goal of comparability is to keep very close to equal instructional expenditures and educational opportunity for each student and not to allow that supplanting of funds, then I would say that the 10 percent allows quite a difference between Chapter 1 and non-Chapter 1 schools.

But I clearly think that is a political decision as to whether or not you would want to tighten up on it.

Mr. **Gunderson**. Did you study at all the present formula used in distribution of Chapter 1 funds?

Mr. **Gainer**. No, sir.

Mr. **Gunderson**. Is there any possibility that you might be doing that prior to reauthorization or not?

Mr. **Gainer**. We had talked about doing some work there this year and there was quite a bit of interest on the Hill, but we have not been able to do it thus far.

Mr. **Gunderson**. Did you try to assess the ability of present Chapter 1 distribution of funds to respond to the various unique and different needs of the inner-city schools and rural school districts in providing programs for educationally disadvantaged students?

Mr. **Gainer**. We did not, sir.

Mr. **Gunderson**. Let us focus on Chapter 2. Your report would suggest that the major problem with Chapter 2 is simply in reporting; is that correct?

Mr. **Gainer**. Well, what you would have to say is the major problems we found were in that area because that is what we looked at and that is what we were asked to look at. We did not do a comprehensive study of the Chapter 2 program.

Mr. **Gunderson**. You do recommend that perhaps in the reauthorization of Chapter 2 rather than mandating that each school comply with a specific reporting requirements, that we try to utilize, as we have done apparently in other areas, some type of work with various associations representing Chapter 2 as the means to bring that information—in other words, achieving a representative sample; is that correct?

Mr. **Gainer**. Yes, that is an approach that has been used in several other block grants and it seems to be one that the members here prefer to an out-and-out requirement for rigid data collection.

In this case, the program implementors at both the state and local level get an input into what they think is necessary to judge their own results and that seems to be a fairly politically satisfactory way of approaching the problem.

Mr. **Gunderson**. Go ahead.

Mr. **Posner**. Well, what we really feel would have to be done with regard to that to make it work, based on our study of some of these other programs, is authorize a joint effort on a cooperative basis to develop the basic elements, categories and definitions of the data you want to use, and then requiring states to report back on what they have found.

For the other block grants, reporting is only voluntary as it is with the education block grant. So we feel that some modification in the statute would have to be made to make that system work, as well as give states a little more authority—clarify their authority to collect this information from the local school districts.

Several states we have talked to feel there is some ambiguity about whether they can in fact collect evaluation data from local school districts under the current provisions.

Mr. **Gunderson**. Okay. Thank you both very much.

Thank you, Mr. Chairman.

Mr. **Kildee**. Mr. Fawell.

Mr. **Fawell**. I have no questions.

Mr. **Kildee**. Mr. Hayes.

Mr. **Hayes**. Mr. Chairman, if I may.

Mr. **Kildee**. Mr. Hayes, certainly.

Mr. **Hayes**. After having benefitted from some of the questions of my colleagues and having an opportunity to read some of the testimony of Mr. Gainer, I do have one question.

Mr. Gainer, as you know, I am a sponsor of H.R. 738 which has to do with this whole dropout program. I am just wondering after hearing your testimony and reading of your support for that legislation if our sights are not set a little bit low when we request only $50 million for purposes of supporting and financing this program.

Mr. **Gainer**. Let us see. [Laughter.] Do you want me to put another hat on?

I think there is a lot of different sources of money going into these dropout programs that we have surveyed at the local level; a lot of state money, foundation money and some corporate money that goes into funding these programs. It seems clear though that at the district level I think we found 66 percent of the respondents said they got money from some place other than the school district.

So it seems clear that you do not get dropout programs without some extra infusion of money from states, foundations or corporate sponsors. And I would have to say that with the number of dropouts you have each year, it is something in the neighborhood of 4 million, we do not know how many dropout programs there are out there. There must be in the thousands, but the 500 that we surveyed were serving about 190,000 people.

So if you multiply that by several times, I think it is likely that there are still an awful lot of dropouts that are not getting any kind of special attention, and it seems clear from the research that they do need some special attention in order to cope in the educational system. And that is I guess two or three nonanswers to your question.

Mr. **Hayes**. I was particularly attracted by your interest in those students at risk rather than those who have already dropped out, although we do not want to completely forget about those who have already dropped out because 738 does direct its attention toward trying to counsel and talk with those who have dropped out and get them to re-enter school.

But the thing that still bothers me a lot is while these monies are available, they do not actually reach in some areas those students who are—disadvantaged, and I think that maybe more money should be directed to them. I am thinking more of the inner city, and I represent a very poor district where the dropout rate is very high, a rate really predominantly black, and we need to spend more money and not just neglect those students as has been the case with some of the monies that have been available. Money is more accessible to the suburban students than it is to inner-city students in many areas.

Mr. **Gainer**. I guess it is clear that a city like New York or Chicago, given the cost of dropout intervention programs which is substantial, a large city like that could probably absorb $50 million in order to try and reach all the students they have.

Mr. **Hayes**. Thank you, Mr. Chairman.

Mr. **Kildee**. Mr. Sawyer, did you have any questions at this point?

If not, then we want to thank you for your testimony, Mr. Gainer. Your testimony certainly gives ample evidence of why the GAO is held in such high regard both in and outside the Congress, and we thank you for your testimony, both you and Paul. Thank you.

Mr. **Gainer**. It was a pleasure to be here.

Mr. **Kildee**. Thank you.

I believe the Chair will take the next two witnesses, and without objection bring them both to the table at the same time, let them present their testimony in the order given here and then we can ask our questions of them both.

So, Mr. William Dallam, Chief, Division of Federal Programs, Pennsylvania Department of Education, representing the National Association of State Coordinators of Chapter 1; Ms. Charlotte Northern, parent, Alexandria, Virginia, representing the National Coalition of Title I/Chapter 1 parents, accompanied by Paul Weckstein, Director of the Washington Office of the Center for Law and Education.

Mr. Dallam.

STATEMENT OF WILLIAM DALLAM, CHIEF, DIVISION OF FEDERAL PROGRAMS, PENNSYLVANIA DEPARTMENT OF EDUCATION, REPRESENTING THE NATIONAL ASSOCIATION OF STATE COORDINATORS OF CHAPTER 1

Mr. **Dallam**. Thank you, Mr. Chairman, distinguished members of the subcommittee, ladies and gentlemen.

As president of the National Association of State Chapter 1 Coordinators, I would like to thank you for the opportunity to address you today and present our testimony, and I would like to do this in a very practical manner by summarizing my testimony in five minutes.

Mr. **Kildee**. We would appreciate it and your entire written statement will be made part of the record.

Mr. **Dallam**. Attached to the testimony is a 33-page detailed position paper from the Federal coordinators which represents the consensus of 3,000 local administrators in 36 states, plus 40 state administrators. And of the—it is not necessary to comment particularly about that because in H.R. 950 the majority of those recommendations seem to be very well addressed. So I would like to very briefly talk about H.R. 950 and tell you specifically what we like about this bill, what it does for children and parents, what it does for schools and finally what it does for state and local administrators, and then at the end express a few minor concerns.

The Hawkins-Goodling bill is classic in its ease of understanding and simplicity of design. To begin with, it does what no other reauthorization bill does. It puts all the applicable requirements together into one program in one place. That simple humane and wise action will do much to reduce the confusion and misunderstanding of regulatory purpose that has characterized the relationship between the states and the Federal government in recent years.

For 10 years lawyers and administrators from a majority of states, including Pennsylvania, have met yearly to discuss how to resolve differences between them and the Federal government which have often resulted in enormous charges against the states and the districts. Perhaps now that time-consuming activity can diminish and we can get back to the business of program.

I would like to say what we like about this bill in terms of what it does for schools and children.

First, it provides some money for innovation. And we think that it is doing that at the local level with enough choice so that school districts can exercise their peculiar designs on how they plan to improve their program. And very importantly, at a single stroke you have relieved that burden of heavy extra costs involving and serving nonpublic school children, and you have diminished that critical dialogue that has come up because local schools felt that services to children were being diminished because they were having to answer the requirements of the Supreme Court Act. This bill take care of that.

Next and very importantly, you have done two things. And what you have done is recognize the two basic assumptions that public schools operate on are no longer totally sound.

The first basic assumption is that all children come to school prepared to learn. That is not true any longer. And the second basic assumption has been that the Compulsory Attendance Act across all the states will keep children in school long enough so that they can benefit from education. These assumptions are no longer sound.

And what you have done is offer an opportunity to start programs for very young children and their parents who be most at need. I have been in education for 37 years and one of the most moving experiences I have ever been involved in in Pennsylvania is offering adults, who have children in Chapter 1 who themselves cannot read, learn to read and watch how this dramatically changes their lives. It is probably one of the best things we have ever done, and I am very glad this bill formalizes that experience.

Secondly, you offer a chance for older children who may have dropped unnoticed to have really a second chance, the secondary program part of the bill.

And then thirdly, you loosen the restrictions on Federal funds in those buildings where the great majority of children need help. The state of Ohio, for example, has 149 buildings where the concentration of poor children is well above 75 percent. Now that third initiative, the school-wide initiation could begin if this bill passes.

Secondly, what it does for parents. This bill guarantees their involvement in the academic side of their children's lives. We think that responds to the classic research in the area that says the only true parent involvement is that in which basically gets children involved in what their—gets the parents involved in what their children are doing in school. We think that is very promising.

And then in the Even Start Bill, it offers an opportunity for the parents and the children working together to change their lives dramatically and perhaps begin to break out of that cycle that they have found themselves in.

We are now in the third generation of children in many instances who are families that have to have opportunities in Chapter 1. We would like to break that.

What it does for school administrators, local administrators and state administrators. Well, the bill says that the focus still is on low-income children who are educationally disadvantaged, and we thank you for that. It still maintains the basic formula distribution. It is very critical for administrators to have a formula that is stable over a period of years because most of us at the local and state level now have committed our very best teachers to this act. We feel that is necessary if the children are to be helped. They have got to have some kind of assurance. We have got to know for a period of years about how much funding there is.

It lessens the paper work to smaller districts. Of the 14,500 districts that participate in Chapter 1 across this nation, two-thirds of them are smaller districts, roughly defined as 2,000 pupils or under. It keeps certain fiscal requirement that maintain a relationship between state and Federal funds. And it does something now very important. It makes certain things very clear that have been fuzzy.

How to manage the carryover money. You are now giving us broader authority to use our reallocated funds, the funds that school districts are not able to use for purposes of program improvement. We thank you for that. It now clarifies who monitors technical requirements such as comparability. And I listened with great interest to the person from GAO because that is a problem. It was not clear in the present bill who really had the responsibility for that. This bill does that. And I think we can promise you that your problems with comparability will probably vanish now if this bill comes through and it is clear who has the responsibility.

It also now clarifies the responsibility of the Secretary of Education to administer the program, to provide technical assistance and very importantly, to provide program improvement.

The fourth thing I have to talk about, and finally, is in relation to another act that Congress in its wisdom has passed. This is called the Single Audit Act of 1985. By the creation of that act, which was intended to oversee at the local level the distribution of federal funds and their wise use, basically a army of auditors has been created in every state. And the net effect of the act as we look at it in its two years of existence has been that the program most frequently examined in the school districts is the Chapter 1 program. That is the largest single Federal program. And in nearly all of the districts the single audit monitors concentrate on that program.

They do not see things in black and white as you and I see them. They see them in red and green. Red for stop and green for go ahead. And they use their own definitions primarily on what is right and what is wrong.

So basically the concerns we have that have not been fully addressed in this bill deal with the ability of the administrators, state and local, to be able to handle the auditing procedures that you have heard addressed earlier.

For example, your act right now includes the handicapped children and children for whom English is not a native language, but it includes them under conditions which continue to be difficult to understand.

Hopefully, regulations will assist that particular problem. This has been an audit problem in many states.

Secondly, while your entire act deals with educationally disadvantaged children, educationally deprived, it does not provide a definition of that term. In comments which I have attached to my testimony, I have provided a definition which might get some consideration. This is very important.

Now you have heard some testimony about the confusion about who should be in the act, who should be served and who should not be served.

Next, it greatly increases the responsibility of state agencies, but includes no provision for appropriate resources to carry out in a minimal fashion their responsibilities. And I cite only one instance because I was talking to the lady from Rhode Island. She said, and she is one of our executive board that I go to to get reaction to this new bill from across the nation. We have 10 people who represent regions across the nation.

She said, Bill, in Rhode Island, I have $1400 to travel and to pay for the gas and transportation of four person to administer the program in Rhode Island. And if we do not get some kind of an increase, while we applaud the new initiatives, we applaud the vision of Congress, we do not understand how we would be able to implement that unless we just call from the state office and ask them if they are doing it.

The concentration grant provision continues to use, we are concerned about this, a shotgun approach to heavily impacted districts. This is the same formula that was used in Chapter 1. And by the shotgun approach, I mean in order for the funds to reach those districts that you wish to give additional money because they are heavily impacted, you basically have sprayed the money out in a county fashion. And what that does by using the county as a unit, what it does is reward perhaps some rich suburban districts who happen to be located in a county where there is a heavy impacted city, and they get some money also. I am not sure that you really intended to do that.

That is the summary of my testimony.

[The prepared statement of William Dallam follows:]

STATEMENT OF WILLIAM DALLAM, CHIEF, DIVISION OF FEDERAL PROGRAMS, PENNSYLVANIA DEPARTMENT OF EDUCATION, REPRESENTING THE NATIONAL ASSOCIATION OF STATE COORDINATORS OF CHAPTER 1

Chairman Hawkins, distinguished members of the Subcommittee, and ladies and gentlemen.

As president of the National Association of State Chapter I Coordinators, it is a distinct honor to represent to you, this morning, the views of NASC regarding the reauthorization of Chapter I in general and HR950, The Special Educational Needs Act of 1987, in particular.

Our organization, whose members administer Chapter I in all states, and territories of these United States, believe ECIA Chapter I and its predecessor Title I, to be one of the most effective programs ever begun by Congress, ranking in stature with the G.I Bill, Social Security and protection of the poor. This effectiveness and adherence to selection standards for children in the program has been noted by recent GAO reports to this committee. The program structure is sound. In a detailed analysis of Chapter I attached to my testimony, appears a series of recommendations from the state coordinators and 2400 local school administrators of Chapter I in 36 states. These recommendations principally address technical issues and clarifications of meaning that state and local administrators of Chapter I agree are very important to the continued improvement of remedial education.

Many, if not all of these suggestions, are well addressed by HR950, the Hawkins-Goodling Bill. The Hawkins-Goodling Bill, titled The Special Educational Needs Act of 1987 is classic in its ease of understanding and simplicity of design. To begin with, it does what no other reauthorization bill does: it puts all the applicable requirements together into one program, in one place. That single, humane and wise action, will do much to reduce the confusion and misunderstanding of regulatory purpose that has characterized the relationship between the states and federal government in recent years. For ten years, lawyers and administrators from the majority of states have met yearly to discuss how to resolve differences between them and the federal government which have often resulted in enormous charges against the states and districts. Perhaps that time-consuming activity can now diminish.

HR950 continues the basic purpose of remediation and maintains the basic formula distribution while incorporating the use of the most recent census definition of poverty. All of us, whether state or local, applaud and support this decision. This stability and predictability of funding will greatly assist all states and districts in planning for the implementation of the exciting new initiatives in the Bill.

Our association, and most assuredly the local administrators, will applaud the lessening of eligible school requirements for smaller, (less than 1,000 pupils) districts, as well as the continuation of certain requirements to determine eligible buildings. These requirements and additional eligibility for some children, give needed stability to the program. HR950 also responds to the need for additional clarity, in statute form, in regard to the conditions under which handicapped children and children of limited English proficiency may participate. We trust that regulations to be issued by the Secretary will give the specific guidance needed to justly and compassionately administer appropriate services to these children.

The restoration of Parent Involvement in a workable form has the firm support of State and Local program administrators. HR950 addresses this issue in a manner that clearly responds to research findings that the most effective parent involvement is that which causes the parent and the child to work together on the academic achievement of the child. This partnership holds great promise for school people for it nearly doubles the human resources potentially available to help children.

HR950 continues the essential fiscal requirements of maintenance of effort, supplement not supplant and comparability, that have proven so useful in the past in continuing the appropriate relationship between federal and local funds. Given the various states and territories with their diverse financial and political support systems, maintenance of this appropriate relationship between federal and local funds is crucial. The SEA responsibility to monitor comparability is very clear. Additionally, the SEA responsibility to prudently manage carryover funds is now very clear. The Secretary's responsibility to coordinate the administration of the program, to make provisions for technical assistance, and to support program improvement models is also clarified in this statute. Finally, the SEA's responsibility for program improvement is clear.

What this bill recognizes is that, nationally, school systems are organized around two major assumptions that are no longer sound. The first assumption is that all children come to school initially prepared to learn. the second assumption is that the compulsary attendance laws work for all children. HR950 brings to focus the legislative intent to directly address unsolved difficulties arising out of the educational system's reliance upon those unsound assumptions that continue to plague our efforts to help all children succeed. By that, I mean the initiative for discretionary grants that would create a family centered program serving very young children and their parents in a way that promises to improve their educational opportunity; and secondly, the initiative to concentrate on improving the achievement of secondary students who are educationally deprived and who are in danger of dropping out. The first initiative reaches directly from the school to the family and joins the family to the school. The second initiative will attempt to reach the older family members and improve their educational opportunities.

The dropping of the matching requirement is the current schoolwide program regulations in effect, has created a whole new initiative that will be implemented across the country in our most heavily impacted areas. This third initiative is even more appropriate because it addresses enormous frustrations experienced in recent years by school administrators. These administrators, responsible for great numbers of educationally deprived students in a single building, have been prevented by restrictions in the schoolwide program regulations from employing that assistance effectively. This initiative comes at a time when urban administrators are testing new ideas for improving heavily impacted city schools. They can be expected to use Chapter I resources well in schoolwide improvement.

HR950 and its capital expenses fund at one stroke untangles the knotty problem of providing the additional support needed for nonpublic students. Again, we applaud Congressional action and have full faith that implementing regulations will be as clear as the statute.

We believe with HR950, that what began as a reauthorization process, may well become a symbol of commitment to those individuals and families who have been denied full participation in the "American Dream" because of educational deprivation. It is true, however that for the state coordinators to implement fully, Congressional vision in the states and territories, at least two technical changes and one fiscal matter deserve consideration. These are serious concerns. First, the language of the definitions section of the Act does not presently contain a definition of what is meant by the term "educationally deprived". Since there appears to be no intention to change the thrust of the Act from serving "educationally deprived" students, I have attached a suggested definition to my written testimony, as a brief appendix. The need for such a definition is significant because while Section 114 of the Act appears to place the decision in the hands of the local district for determining what "educationally deprived" means, the Bill clearly charges the state with the responsibilty for administrating and monitoring the law. A clear, written definition of the term would assure common understanding among state and local administrators and assure the equal treatment of all children across the nation.

Secondly, in Section 191 State Rulemaking there is wording in (b) that contains five indefined and provocative terms; i.e. necessary and essential and proven or effective teaching techniques and practices. These words are suggested as further limitation to state rulemaking. These words as presented would create endless discussion and seem to be at variance with the classic simplicity present in the balance of the Act of both structure and meaning of words.

My final comment notes the increased responsibility to the SEA, particularly, for the new initiatives, and notes further that HR950 State Administration Funds do not reflect any increase. I have been told repeatedly that little to no support exists in Congress for increasing state administration funds. I understand the budgetary concern. This Bill, however, has real vision. It is not merely a reauthorization. It will take writing and talking and visiting and revisiting between state administrators and local school districts' personnel to make these new visions come into reality. Put in very simple terms, for some states that means a person and for other states that may mean more gas money and postage money. In Rhode Island for example, the entire travel budget for the four person professional staff for the entire year is $1400. Rhode Island will get $225,000. to administer to program regardless of how many new initiatives there may be. In Nebraska, three professional persons administer the current program for 350 districts. Nebraska will get $225,000 regardless of new initiatives. Rhode Island and Nebraska are but two examples. Small states which are now barely able to carry out compliance duties will experience great difficulties in implementing your visions. Further collection of information related to the fiscal constraints encounted by small states is necessary. I would appreciate the opportunity to address this committee again at a future date when our association's collection of information from all small states is complete and comprehensive. In conclusion, I ask the committee to look again at the resources allocated to carry out your vision. A number of comments related to minor technical changes are also attached to my testimony.

SUMMARY OF POSITION PAPER IN SUPPORT OF REAUTHORIZATION OF CHAPTER 1, ECIA ADOPTED BY THE NATIONAL ASSOCIATION OF STATE COORDINATORS OF CHAPTER 1

This summary lists the major points made in the position paper. Suggested changes in the law are underlined.

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Introduction

This paper presents the views of the National Association of State Coordinators of ECIA, Chapter 1 in support of reauthorization...............1

I. Chapter 1 Is A Program Of Critical National Importance Which Provides Supplemental Educational Services For Educationally Deprived Children From Low-Income Areas

On April 11, 1965, Congress enacted the Elementary and Secondary Education Act. Title I of the Act provided federal funds to LEAs to expand services available to meet the special educational needs of educationally deprived children in low-income areas...2

Although Congress streamlined Title I requirements through the enactment of Chapter 1 of the Education Consolidation and Improvement Act of 1981, Chapter 1 declared it to be the policy of the U.S. to provide financial assistance to SEAs and LEAs to meet the special needs of educationally deprived children on the basis of entitlements calculated under Title I....2

II. The Chapter 1 Allocation Formula Effectively Directs Funding To School Districts With Large Numbers of Low-Income Children

Each LEA is eligible to receive Chapter 1 funds if it has at least 10 children from low-income families..3

Because the U.S. Secretary of Education does not have low-income data to determine allocations for individual LEAs, he determines the "county aggregate amounts" of Chapter 1 basic grant funds that all LEAs in each county are eligible to receive. The Secretary computes the "county aggregate amounts" for each State on the basis of a formula which multiplies 40 percent of the average per pupil expenditure level for the State times the number of children from low-income families residing in each county in the State.........3

Once the SEA is notified of its total allocation for local Chapter 1 programs and the breakdown for each county, it allocates the "county aggregate amounts" to LEAs in each county on the basis of the best available data on the number of children from low-income families in each LEA..................3

Although the formula for distributing Chapter 1 basic grant funds should be updated to reflect the most recent poverty data available for all jurisdictions, it works extremely well in targeting Chapter 1 funds to school districts with large numbers of children from low-income families. The Congressional Research Service reached that same conclusion.........3

Congress should restore the SEA option to allocate funds directly to LEAs on a State-wide basis in States where a large number of LEAs overlap county boundaries.............................4

Congress should allow SEAs broader authority to reallocate Chapter 1 funds to LEAs for program improvement activities........................4

Congress should increase the amount of each State's Chapter 1 allocation which may be used for State administration of the program to 1.5 percent..........5

III. The School Attendance Area Eligibility Requirements Concentrate Limited Chapter 1 Funds On Areas With The Highest Concentrations Of Children From Low-Income Families

With certain exceptions, an LEA must operate its Chapter 1 project in those school attendance areas of the LEA with "the highest concentrations of low-income children." Like Title I, Chapter 1 permits an LEA with a "uniformly high concentration of low-income children to include all of its attendance areas in its Chapter 1 project. Under Chapter 1, Congress has also explicitly provided for other exceptions that were available under Title I. In addition, Congress has exempted LEAs with enrollments of 1,000 or less from the school attendance area targeting requirements................6

The school attendance area eligibility requirements target Chapter 1 services to those school attendance areas with the highest concentrations of low-income children. As a result of deregulation, however, current Chapter 1 regulations fail to give LEAs adequate direction for selecting school attendance areas...............................7

Congress should amend Section 556(b) to clarify what Congress considers to be attendance areas having "the highest concentrations of low-income children"...7

Congress should amend Section 556(b) to specify the measures of low-income status which should be used....8

IV. Congress Should Emphasize That The Chapter 1 Basic Grant Program Is Intended To Serve Those Educationally Deprived Children From Low-Income Areas Who Are In Greatest Need

Under both Title I and Chapter 1, LEAs have always had considerable flexibility in identifying educationally deprived children and in selecting the actual students to receive services. In fact, neither the statute nor the regulations have ever clarified which children Congress consider to be those "who have the greatest need for special attendance"........8

Given the lack of specificity in the law and regulations, LEAs have developed their own criteria for determining which students are educationally deprived and which are in greatest need...............9

Congress should amend Chapter 1 to explicitly define "educationally deprived children".............10

Congress should amend Chapter 1 to define children in "greatest need of special assistance"....10

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Chapter 1 contains several fiscal constraints designed to ensure that Chapter 1 funds are used to provide supplemental educational services to educationally deprived children in low-income areas rather than to upgrade the general level of educational services in a school district or to reduce the local taxpayers' burden.............11

While we vigorously support retention of these requirements, we suggest changes that would improve the practical application of the requirements in certain circumstances. We also urge Congress to closely examine which fiscal and reporting requirements may be unduly burdensome for LEAs with total enrollments of less than 1,000 pupils and Chapter 1 allocations of less than $20,000.......11

Prohibition against using Chapter 1 funds for general aid....................................12

To delete the prohibition against general aid would turn Chapter 1 into a general tax relief program.....12

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Maintenance of State and local effort................12

While we support retaining the maintenance of effort requirement as an essential means of ensuring that Chapter 1 funds provide services above those which would otherwise be available, we urge Congress to revise the maintenance of effort requirement so that it applies only to the State and local fiscal effort for instructional services....................13

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Comparability of State and locally funded services...14

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Congress should replace the Education Appeal Board (EAB) with Administrative Law Judges or expand the EAB to include members employed by SEAs and LEAs..27

Congress should place the burden of proving that an expenditure is disallowable on ED............28

Congress should specify that all written and oral evidence relied on in the audit process should be available to both parties through discovery to eliminate the possibility of surprise and to ensure fairness.....................28

Congress should specify that an SEA or LEA is entitled to an evidentiary hearing with the right to ask the EAB to subpoena witnesses..........28

Congress should specify that SEA or LEA reliance on written advice from ED officials is an allowable defense to adverse audit claims.........29

Congress should direct that the standard of substantial compliance be used to avoid audit disputes involving technical oversights or good faith differences of opinion regarding what constitues statutory compliance................29

Congress should give the Secretary greater flexibility to tailor the penalty to be proportionate to the noncompliance..................30

X. That Portion Of The Chapter 1 Law Which Provides Funding For State Operated Programs For Handicapped Children Should Instead Be Incorporated As Part Of The Education Of The Handicapped Act

It is both logical and administratively sound to move the federal program to assist State operated education programs for handicapped children from Chapter 1 to instead be incorporated as part of the comprehensive federal legislation addressing the educational needs of handicapped children............30

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Under Secretary Bennett's proposal to turn Chapter 1 into a voucher program, parents of Chapter 1 children would receive a voucher worth about $600. In stark contrast to Chapter 1's emphasis on providing remedial services to meet identified educational needs, his proposal would allow the voucher to be used to subsidize general tuition at a private school.........................31

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Conclusion

The unfortunate truth is that the number of children living in poverty is at the highest level in 20 years. Strong congressional support for Chapter 1 is critical if the program is to continue to succeed in giving such children the extra educational services needed to break out of the cycle of poverty and realize their potential.....34

A POSITION PAPER
IN SUPPORT OF THE REAUTHORIZATION OF
CHAPTER 1
OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

ADOPTED BY THE
NATIONAL ASSOCIATION OF STATE COORDINATORS OF ECIA,CHAPTER 1

WILLIAM M. DALLAM, PRESIDENT
DECEMBER 1986

THIS POSITION PAPER IN SUPPORT OF THE
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UNDER CONTRACT WITH THE

NATIONAL ASSOCIATION OF STATE COORDINATORS OF ECIA, CHAPTER 1

AS DIRECTED BY ITS LEGISLATIVE COMMITTEE

COMPRISED OF THE FOLLOWING STATE COORDINATORS

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INTRODUCTION

Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1) declared it to be the policy of the United States to continue to provide financial assistance to meet the special educational needs of educationally deprived children in low-income areas. With relatively minor changes, Chapter 1 continued the major national commitment to compensatory (remedial) education which was previously expressed in Title I of the Elementary and Secondary Act of 1965 (Title I). The magnitude of that commitment is reflected by Congress' 1986 appropriation of $3.7 billon which was used to serve 4.8 million students in 14,000 school districts.

The current authorization for Chapter 1 expires on September 30, 1987. Therefore, the members of the National Association of State Coordinators of ECIA, Chapter 1 have adopted this paper in unanimous support of congressional reauthorization. We express this view not only as those who are engaged in State level positions to oversee the administration of Chapter 1 programs, but as educators who know that Chapter 1 is achieving results.

Terrel H. Bell, former U.S. Secretary of Education, said in describing Chapter 1 to a congressional hearing in 1982 "it took us a while to learn how to teach disadvantaged children...but now that's a program you can brag about." Although we do brag about Chapter 1, we also know it can be improved. Therefore, in a spirit of constructive comment, we wish to emphasize basic features of the law which are especially critical to the program's continued effectiveness and to suggest some "fine tuning" which would enhance the program. In suggesting changes, we have strived to avoid parochial interests and concerns of administrative convenience and have instead focused on what is best for educationally deprived children.

The views expressed in this paper reflect the results of two recent national surveys which we conducted on reauthorization issues. The first survey, conducted with the International Reading Association, drew responses from nearly 3,000 local Chapter 1 administrators in nearly 20 percent of the Nation's school districts. A separate survey of State Chapter 1 officials elicited 40 responses. What is most significant about the survey results is that the vast majority of State and local administrators expressed a high degree of satisfaction with the program.

I. Chapter 1 Is A Program Of Critical National Importance Which Provides Supplemental Educational Services To Educationally Deprived Children In Low-Income Areas

On April 11, 1965, Congress enacted the Elementary and Secondary Education Act (ESEA) which was designed to expand educational opportunities in the Nation's elementary and secondary schools. This legislation signified, for the first time, congressional recognition that the quality of American education is a matter of national importance. Title I of the ESEA directly addressed what Congress had identified as a matter of particular concern -- the permanent underclass of the poor. Helping educationally deprived children in low-income areas was also seen as a way to increase the productivity of our work force and reduce welfare costs. By providing federal funds to local educational agencies (LEAs) to expand the services available to meet the special educational needs of educationally deprived children in low-income areas, Congress hoped to give such children a better chance to break the poverty cycle and realize their potential. Later amendments "set aside certain amounts of Title I funds for handicapped children, Indian children, children in institutions for neglected and delinquent children and children of migratory agricultural workers and migratory fishermen."

Recognizing the tradition of State and local control of education, Title I gave LEAs fairly wide latitude in designing local Title I programs and gave State educational agencies (SEAs) the primary responsibility for ensuring that local programs complied with federal constraints. As Title I grew in size, however, it also grew in complexity with civil rights groups and others pressing for tighter, more detailed, federal controls. After the 1978 amendments to Title I, a number of practitioners argued that the law had become too restrictive and that process was overtaking substance. As a result, in 1981, Congress passed Chapter 1. Although Chapter 1 streamlined several Title I requirements and gave SEAs and LEAs more administrative flexibility, it also declared it to be "the policy of the United States to continue to provide financial assistance to State and local educational agencies to meet the special educational needs of educationally deprived children, on the basis of entitlements calculated under Title I."

Based upon our experience in administering the Chapter 1 program at the State level, we know that it works. Various studies support our conclusion. For example, the U.S. Department of Education (ED) has released data showing that annual achievement gains for Chapter 1 students average almost 4 percentile points in reading and 6 percentile points in mathematics in grades 2 through 6. Another study looked at Chapter 1 for the House Select Committee on Children Youth and Families and in a report entitled "Opportunities for Success: Cost Effective Programs for Children," concluded that it is one of the most effective federal programs for children.

II. The Chapter 1 Allocation Formula Effectively Directs Funding To School Districts With Large Numbers Of Low-Income Children

Section 554(a) of Chapter 1 provides that the Chapter 1 Basic Grant that an LEA is eligible to receive to serve educationally deprived children in low-income areas is determined each year on the same basis as under Title I. Each LEA in a State is eligible to receive Chapter 1 funds for a fiscal year if there are at least 10 children from low-income families in the LEA. Because the U.S. Secretary of Education currently does not have data to determine allocations for individual LEAs, the Secretary determines the "county aggregate amount" of Chapter 1 basic grant funds that all LEAs in each county are eligible to receive.

The Secretary computes the "county aggregate amounts" for each State on the basis of a formula which multiplies 40 percent of the average per pupil expenditure level for the State (limited to a range of between 80 percent and 120 percent of the national average) times the number of children from low-income families residing in each county in the State. After determining the "county aggregate amounts" the total Chapter 1 appropriation is allocated pro rata among all counties. The Secretary then distributes to each SEA the amount of Chapter 1 basic grant funds which the LEAs in the State are eligible to receive.

Once the SEA is notified of its allocation for local Chapter 1 programs and the breakdown for each county within the State, it distributes the funds to eligible LEAs which have submitted a Chapter 1 application that has been approved by the SEA. In general, the SEA allocates the "county aggregate amounts" to LEAs in each county on the basis of the best available data on the number of children from low-income families in those LEAs. Chapter 1 provides for adjustments to the allocations where (1) a school district of an LEA overlaps a county boundary, (2) an LEA serves a substantial number of children from the school district of another LEA, or (3) an LEA's school district is merged or consolidated or a portion of the district is transferred to another LEA.

In our view, the formula for distributing Chapter 1 basic grant funds works extremely well in targeting Chapter 1 funds to school districts with large numbers of children from low-income families. The Congressional Research Service concluded in a 1985 report that Chapter 1 was found "to be highly effective in targeting fiscal relief to districts with large numbers of poor children."

In light of the proven effectiveness of the Chapter 1 formula, we urge Congress to leave it basically unchanged. We would, however, ask Congress to update the language in the formula to direct the Secretary to determine allocations on the basis of the most recent poverty data available for all jurisdictions. We would also suggest the following modifications to improve the program's effectiveness:

- Restore the SEA option to allocate funds directly to LEAs on a State-wide basis in States where a large number of LEAs overlap county boundaries.

  Under Title I, any SEA for a State in which a large number of LEAs overlap county boundaries could apply to the U.S. Secretary of Education for authority to make basic grant allocations directly to LEAs without regard to the counties. In contrast, Section 558(e) of Chapter 1, provides that an SEA in such a State may make such allocations directly to LEAs without the Secretary's approval, but only "if such allocations were made during fiscal year 1982." Thus, under Chapter 1, no SEAs may allocate Chapter 1 funds directly to LEAs without regard to the county allocation unless they used such a method during fiscal year 1982.

  This limitation precludes any new States from allocating directly to LEAs on a State-wide basis and prevents SEAs in such States from redressing inequities in the county by county approach. For example, of the 300 LEAs in the State of Washington, approximately 170 overlap county boundaries. This presents such a problem that Washington was one of the last SEAs to get the 1980 census breakdown of low-income children by county. Such data is so obviously flawed that during this past year Chapter 1 children in some counties received a per pupil allocation of $300 in Chapter 1 funds, while children in other counties received an allocation of $700 per pupil. We urge Congress to address such inequities by giving all SEAs in States where a large number of LEAs overlap county boundaries the authority to allocate Chapter 1 funds directly to LEAs.

- Allow SEAs broader authority to reallocate Chapter 1 funds to LEAs for program improvement activities

  Under Section 200.45 of the Chapter 1 regulations, each SEA makes an annual determination as to which LEAs have received Chapter 1 allocations that exceed the amount required to (a) operate their Chapter 1 projects effectively during the current fiscal year, and (b)provide a prudent and justifiable reserve of Chapter 1 funds for operating their Chapter 1 projects effectively during the next fiscal year. Under the regulation, any LEA that is identified as having such excess funds has the opportunity to amend its Chapter 1 application to include a proposal for their use. If the LEA fails to amend its application, the SEA may then reallocate the excess funds to LEAs having the greatest need for such funds to redress inequities in the application of the allocation formula.

We urge Congress to broaden SEA authority to reallocate excess funds to any LEA in the State for program improvement activities as well as to address inequities in the application of the allocation formula. Although there are currently several hundred Chapter 1 programs identified nationally as being unusually effective, LEAs lack the funds needed to send staff to other LEAs or to conferences to learn about such programs. By broadening the authority for SEAs to reallocate excess funds to LEAs for program improvement, Congress would greatly enhance the ability of LEAs to exchange information about successful programs.

- Increase the amount of each State's Chapter 1 allocation which may be used for State administration to 1.5 percent

Under Title I, SEAs were entitled to use up to 1.5 percent of the State's total allocation of Title I funds for State administration of the Title I programs. To take into account the needs of SEAs in less populated States,Title I allowed each SEA, regardless of the Title I allocation, to spend up to $225,000. Under Chapter 1, the maximum amount which may be spent for State administration was reduced to one percent of the State's total allocation. One percent is simply not enough. This is particularly true in view of the failure of Chapter 1 appropriations to keep pace with inflation. Chapter 1, like Title I, is a State administered program which is funded 100 percent by federal funds with federally imposed requirements. Although program design and student selection take place at the school district level, SEAs have the primary responsibility for ensuring that Chapter 1 projects are carried out in accordance with federal requirements. However, while compliance with federal requirements is important, we also recognize the need to go beyond administrative enforcement to provide technical assistance and disseminate information to promote excellence. The plain fact is that SEAs cannot increase their program improvement efforts without additional financial support.

To give SEAs the resources needed to meet the demands which are placed upon them by the federal government and their various constituencies, we urge Congress to restore the limit on the use of Chapter 1 funds for State administration to the 1.5 percent level and we urge Congress to increase the minimum amount which any SEA may use for State administration to $325,000 per year. In this regard, it is important to remember that SEAs which have been receiving the present minimum administrative allocation of $225,000 have not had an increase for 7 years (not since July 1, 1979). During that period, inflation has taken its toll on the buying power of the administrative dollar. For example, if an increase is not forthcoming, the Utah SEA has indicated that it will probably be forced to cut its Chapter 1 professional staff from 4 to 3 people. Three people is simply not enough to perform all of the functions required of SEAs (large or small) such as application review, monitoring, evaluation, and program improvement.

III. The School Attendance Area Eligibility Requirements Concentrate Limited Chapter 1 Funds On Areas With The Highest Concentrations Of Children From Low-Income Families

With certain exceptions, an LEA's Chapter 1 application must demonstrate to the SEA that its Chapter 1 projects will be conducted only in those areas with "the highest concentrations of low-income children." The legislative history of Title I indicates that it is the close relationship between poverty and educational disadvantagement that led Congress to use low-income data as a criterion for allocating funds to certain attendance areas within school districts. As under Title I, however, Chapter 1 permits an LEA with a "uniformly high concentration" of low-income children to include all of its attendance areas in its Chapter 1 project.

As part of the Technical Amendments of 1983, Congress also explicitly provided other exceptions that were available to LEAs under Title I. For example, as amended, Section 556(d) of Chapter 1 provides for: (a) designating any school attendance area in which at least 25 percent of the children are from low-income families as eligible; (b) identifying and selecting areas for Chapter 1 services on the basis of educational deprivation; and (c) skipping an eligible attendance area if it is already receiving services of the same nature as would otherwise be provided by Chapter 1 funds. In addition, the Technical Amendments of 1983 added a provision exempting LEAs with enrollments of 1,000 or less from the school attendance area targeting requirements.

The school attendance area eligibility requirements work well to target Chapter 1 services to school attendance areas with the highest concentrations of low-income children. In addition, each of the exceptions to the basic rule has been fully justified in prior legislative deliberations and through experience. As a result of "deregulation" however, the present version of Chapter 1 regulations fail to give LEAs adequate direction in the procedures for selecting attendance areas "with the highest concentrations of low-income children."

To more fully ensure that the selection of school attendance areas results in Chapter 1 services going to areas with the greatest need, we suggest the following:

- Amend Section 556(b) to clarify what Congress considers to be attendance areas having "the highest concentrations of low-income children."

  The 1981 Title I regulations described 3 methods for determining which school attendance areas within a district were considered as "having high concentrations of children from low-income families." Under the first, only those school attendance areas with a percentage of children from low-income families as high as the district-wide average qualified (percentage method). Under the second, only those school attendance areas in which the number of low-income children was at least equal to the average number of such children per school attendance area in the district qualified (numerical method). Under the third, an LEA could identify some attendance areas as eligible by using the percentage method and some by using the numerical method, as long as the total number of attendance areas so identified was not more than would have been the case using only 1 of the other methods (combination method). In identifying eligible attendance areas, LEAs were allowed to group the attendance areas by grade span.

Since the Secretary of Education no longer requires LEAs to use one of the methods described above to identify those school attendance areas having "the highest concentrations of low-income children," we urge Congress to do so. It is also important for Congress to specify that unless an LEA is allowed to use one of the statutory alternatives to selecting attendance areas based on their concentration of low-income children, the LEA must serve such attendance areas in rank order of such concentrations.

- Amend Section 556(b) to specify the measures of low-income status which should be used.

Title I regulations required LEAs to use "the best available measure" of low-income status to identify and select school attendance areas with the highest concentrations of children from low-income families. In contrast, the Chapter 1 regulations make no mention of what type of measures of low-income status should be used. Instead, in a Nonregulatory Guidance document issued in June 1983, ED stated that "LEAs are encouraged to use the best possible available measure." We believe Congress should go further to specify that LEAs are once again required to use the best available measure of low-income status (such as AFDC or School Lunch Program data) to identify and select school attendance areas.

IV. Congress Should Emphasize That The Chapter 1 Basic Grant Program Is Intended To Serve Those Educationally Deprived Children From Low-Income Areas Who Are In Greatest Need

Chapter 1 funds are allocated to LEAs according to the number of children from low-income families residing in the school district. With some exceptions, the LEA in turn allocates Chapter 1 funds to school attendance areas having the highest concentration of children from low-income families. However, once a school attendance area has been selected to participate in the Chapter 1 project, every child in that attendance area who is educationally deprived is eligible to participate regardless of his/her family's economic status. Educational deprivation is the sole criterion for determining which children within low-income areas are actually eligible to participate. Section 556(b)(2) of Chapter 1 requires that "among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance." Under both Title I and Chapter 1, LEAs have always had considerable flexibility in identifying the actual students to receive Title I services. In fact, neither statute has ever clarified which children Congress considers to be those "who have the greatest need for special assistance." Similarly, no regulations have given definition to the meaning of that important phrase.

The only additional substantive guidance concerning which students should be considered eligible is set forth in Section 200.3(b) of the Chapter 1 regulations which defines "educationally deprived children" as children whose "educational attainment is below the level that is appropriate for children of their age." However, in its June 1983 Nonregulatory Guidance document, ED softened even that definition, stating that "LEAs are free to use whatever measures of educational deprivation they think best identify the educationally deprived children and their special needs."

Given the lack of specificity in the law and regulations, LEAs have of necessity developed their own criteria for determining which students are educationally deprived. Though virtually all LEAs make some use of standardized achievement test scores to determine eligibility for Chapter 1 services, local testing programs usually focus on only a few grades; whereas Chapter 1 services may be offered in many or all grade levels. Thus, many LEAs use teacher judgment to identify those low achieving students for whom standardized test scores are unavailable. Even when standardized tests are used to determine eligibility, the cutoff varies from LEA to LEA depending on whether national or local norms are used and whether the LEA considers all students below the 50th percentile to be educationally deprived, or uses some other percentile to define low achievement. Since LEAs can establish their own eligibility criteria, a student who would be eligible for Chapter 1 in one school district may be ineligible in another.

Once an LEA identifies eligible students in Chapter 1 project schools, the final step is the selection of "those in greatest need" of Chapter 1 services. While many LEAs specify a second percentile lower than that used to determine eligibility and select all students below that level, other LEAs rely on more informal procedures. Because of limitations in Chapter 1 funding, very few LEAs serve all those students who are identified as educationally deprived. Many educationally deprived children do not receive services because they are not in Chapter 1 attendance area schools or because they are in a grade which, due to funding constraints, the LEA has decided not to serve. Other educationally deprived children are not served by Chapter 1 because they are not selected from among the eligible group to actually receive services.

Various studies of Title I and Chapter 1 have concluded that the statutory provisions regarding student selection do not always assure that the most educationally deprived children are served. This is not surprising. In the absence of more specificity in the statute or regulations, LEA officials are left with the difficult task of trying to reach as many eligible students as possible with Chapter 1 funding that is inadequate to serve all those in need. To avoid diluting Chapter 1 services, many LEAs concentrate the limited funding on selected grade levels and, if there are not enough "extremely low achieving" students to fill the Chapter 1 class, the LEA adds eligible students from that grade level with relatively higher achievement scores.

In light of these considerations, we urge Congress to make the following statutory changes to focus Chapter 1 services more directly on low-achieving children who are most in need of assistance:

- Amend Chapter 1 to explicitly define "educationally deprived children."

  As discussed above, each LEA sets its own standards to identify educationally deprived children. In full compliance with Section 200.3(b) of the Chapter 1 regulations, many school districts consider children who perform below the 50th percentile to be educationally deprived. We doubt whether Congress ever intended such a broad view. We also believe that decisions concerning student achievement should be based on some form of objective testing rather than subjective judgment. Therefore, we suggest that Congress take this opportunity to carefully consider the alternatives and then define "educationally deprived children." Congress could, for example, define such children as those determined by the school district to be performing below the 40th percentile on the basis of either norm referenced tests or other objective performance data used to measure gains in achievement level. Another approach would be to define such children as those determined by the LEA on the basis of objective performance data to be performing below a normal curve equivalent level of approximately 40 percent.

- Amend Chapter 1 to define children in "greatest need of special assistance."

  So that Chapter 1 services are targeted on the most educationally deprived, we recommend that Congress define children in "greatest need of

> special assistance" as educationally deprived children so identified by objective school district established criteria. We further suggest requiring that such objective criteria be based on written or oral testing instruments, or on standard measures of classroom performance, uniformly and consistently applied throughout the school district to determine achievement level.

V. It Is Critical To Retain The Fiscal Requirements Which Ensure That Chapter 1 Funds Are Used To Provide Supplemental Services In Addition To Nonfederally Funded Services

Chapter 1 contains several fiscal constraints designed to ensure that Chapter 1 funds are used to provide supplemental educational services for educationally deprived children in low-income areas rather than to upgrade the general level of educational services in a school district or to reduce the local taxpayers' burden. Some of these basic fiscal requirements apply to a grantee's use of State and local funds for public education rather than its use of Chapter 1 funds. Generally, these requirements are intended to ensure the supplemental nature of Chapter 1 services by requiring the maintenance of State and local support for public education, and by prohibiting discrimination by: (a) the SEA in providing funds to LEAs because they receive Chapter 1 funding; (b) the LEA in allocating State and local resources to schools participating in the Chapter 1 project; and (c) Chapter 1 project schools in providing services to educationally deprived children receiving Chapter 1 funded services. Each of these fiscal requirements is essential to maintain the categorical nature of the Chapter 1 program and prevent it from being general financial support for education.

While we vigorously support the retention of each requirement, we also suggest changes which would improve the practical application of the requirement in particular circumstances. We also urge Congress to closely examine which fiscal and reporting requirements may be unduly burdensome for small LEAs with total enrollments of less than 1,000 pupils and Chapter 1 allocations of less than $20,000. In the 1983 Technical Amendments, Congress exempted such LEAs from the school attendance area targeting requirements and we believe further reductions in the administrative burden imposed on small LEAs is warranted.

Prohibition against using Chapter 1 funds for general aid

Section 555(c) of Chapter 1 requires Chapter 1 funds to be used only for programs and projects designed to meet the special educational needs of educationally deprived children. This provision, generally referred to as the general aid prohibition, is intended to ensure that Chapter 1 funds are used as categorical aid to meet the special needs of educationally deprived children and not for the general needs of the school or student body. To delete this requirement would greatly reduce services for the educationally deprived and would turn Chapter 1 into a tax relief program. Without the general aid prohibition, it would be extremely difficult for local school officials to resist the pressure to use Chapter 1 funds to meet the needs of all children, regardless of whether they are educationally deprived or live in low-income areas. In such circumstances, it would not likely be long before educationally deprived children, particularly those in low-income areas, were again relegated to the low priority status they were accorded prior to passage of Title I in 1965.

Although Congress has correctly recognized the need to prevent Chapter 1 from becoming general support for the funding of local school systems, Congress has also correctly recognized that once the percentage of low-income children in a Chapter 1 school reaches a very high level, it makes little educational or administrative sense to enforce requirements that the program serve only eligible children. Therefore, Section 556(d)(9) of Chapter 1 provides that an LEA may conduct a "schoolwide" Chapter 1 project to upgrade the entire educational program in a school if: (1) the school serves an eligible attendance area; (2) at least 75 percent of the children at the school are from low-income families; (3) the LEA develops a special plan for the school that is approved by the SEA; and (4) the LEA meets special financial requirements (including a requirement to provide, per child served who is not educationally deprived, an amount of special supplementary State and local funds that is at least equal to the amount of Chapter 1 funds that the LEA provides per educationally deprived child in the school). In light of the high correlation which ED's National Assessment of Chapter 1 has found between schools with large proportions of poor students and low achievement scores, we believe Congress should do more to encourage "schoolwide projects" in such schools. More specifically, we urge Congress to consider reducing both the percentage of low-income children needed to qualify for "school projects" and the level of supplemental State and local funding required.

Requirement for maintenance of State and local effort

Like Title I, Chapter 1 requires LEAs receiving Chapter 1 funds to maintain the level of non-federal fiscal effort with respect to the provision of free public education. Thus, the maintenance of effort provisions help to prevent the erosion of State and local support for public education which might otherwise occur because of the availability of Chapter 1 funds.

More specifically, under Section 558(a) of Chapter 1, an LEA is only entitled to receive its full Chapter 1 allocation if the SEA determines that either the combined fiscal effort per student or the aggregate expenditures of State and local funds for public education in the LEA for the preceding fiscal year was not less than 90 percent of the effort for the second preceeding year. LEAs falling below the 90 percent requirement have their Chapter 1 grant reduced in exact proportion to the extent to which they fell below the 90 percent mark.

We support retaining the maintenance of effort requirement as an essential means to ensure that Chapter 1 funds provide educational services above those which would otherwise be available. We suggest, however, that Congress revise the maintenance of effort requirement so that it applies only to the State and local fiscal effort for instructional services. In our view, expenditures for fuel oil, transportation, and insurance which fluctuate from year to year and have no bearing on the instructional program should not be included in the maintenance of effort comparison. What is really important is that the State and local financial support for instructional services not decrease so that Chapter 1 funding is used to provide supplemental services. By limiting the maintenance of effort test to instructional services, Congress would be conforming it with the long-standing criteria for determining compliance with the comparability of services requirement.

Also, under Section 558(a)(3) of Chapter 1, the SEA is authorized to waive the maintenance of effort requirement for one fiscal year only if the SEA determines a waiver is equitable due to exceptional or uncontrollable circumstances such as natural disaster or a precipitous and unforeseen decline in the LEA's resources. We believe Congress should expand this waiver authority somewhat by providing that sudden, uncontrollable changes in the ability of an SEA or State to support basic education (such as the economic chaos facing oil producing States) should entitle LEAs in the entire State to a waiver of the maintenance of effort requirement. Furthermore, if a waiver of maintenance of effort is justified for one year, we can see no reason why it should not be available for whatever period of time the exceptional or uncontrollable conditions persist.

Comparability of State and locally funded services

The basic purpose of Title I was to concentrate and increase services for educationally deprived children in low-income areas. Unless schools serving such children get their fair share of State and locally funded services before adding the federally funded services, this basic purpose is defeated.

In 1970, Congress formally recognized the need to prevent discrimination in the distribution of State and local resources to schools with Title I participating children by adding a comparability requirement to the Title I law. That requirement stated that State and local funds will be used in each school district receiving Title I funds "to provide services in [Title I] project areas which, taken as a whole, are at least comparable to services being provided in areas in such districts which are not receiving funds under [Title I]." Several years later, Congress expanded this requirement to provide that where all school attendance areas in a district are designated as project areas, the district must use State and local funds to provide services which, taken as a whole, are substantially comparable in each project area.

Title I required each LEA to report annually concerning its compliance with the comparability requirement. Under the Title I regulations, an LEA met this requirement if, for schools serving corresponding grade levels, the average number of children per instructional staff and the average per pupil expenditure of non-federal funds for instructional staff in each Title I project school was not more than 5 percent worse than in schools not receiving Title I assistance.

Section 558(c)(1) of Chapter 1 contains a very similar comparability requirement. However, unlike Title I, Chapter 1 does not require LEAs to file comparability reports. An LEA meets this requirement if it has filed with the SEA a written assurance that it has established: (a) a district-wide salary schedule; (b) a policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel; and, (c) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

Like Title I, Chapter 1 does not apply the comparability requirement to State and local funds for bilingual education, handicapped children, or children with learning disabilities, or other programs consistent with the purposes of Chapter 1 that are used to meet the needs of eligible children.

We fully support retention of the comparability requirement which is critical to ensure that State and local resources are not diverted from schools receiving Chapter 1 funds to schools not receiving Chapter 1 funds or from a Chapter 1 project school receiving a relatively large amount of Chapter 1 funds to a school receiving less Chapter 1 funds. However, we urge Congress to add a limited exception to this requirement for a school district which has only one school building serving each grade. In such a situation, where there are different types of instructional staff serving different grade spans, there is no basis for making a meaningful comparability comparison.

Chapter 1 funds must supplement, not supplant, non-federal funds

No matter what services Chapter 1 programs provide for educationally deprived children, they would not be enough if they are not extra services. To be effective, Chapter 1 funds must be used in addition to State and local funds, not instead of them. That is why the first regulations issued under Title I stated that the federal funds must be used to supplement, not supplant, State and local funds that would otherwise be available for education of the pupils participating in the Title I program. Just as the comparability of services provision prohibits discrimination in the distribution of State and local funds to schools participating in the Title I project, the supplement, not supplant requirement prohibits schools from discriminating in the distribution of State and local services to children participating in the Title I program.

Section 558(b) of Chapter 1 retains the same basic supplement, not supplant requirement. Unlike Title I, however, Chapter 1 does not contain a separate supplement, not supplant requirement for special State and local compensatory education programs. Instead, Chapter 1 provides that in determining compliance with this requirement, an SEA or LEA may exclude State and local funds spent for special programs designed to meet the needs of educationally deprived children if those programs are consistent with the purposes of Chapter 1. This exclusion is properly designed to encourage State and locally funded compensatory education programs by not requiring that they give, in effect, a "double helping" of remedial services to children receiving such services under Chapter 1.

We support retaining the supplement, not supplant requirement in its present form. However, it is extremely difficult to determine how to apply the concept to situations where Chapter 1 services: (a) replace a portion of the regular school program a child would otherwise receive; or (b) provide special services which are required under other laws. In order to permit LEAs to continue to operate effective Chapter 1 programs without being in technical violation of the supplanting prohibition, we urge Congress to:

- Clarify how the supplement, not supplant requirement applies where children are "pulled out" of regular classrooms to receive Chapter 1 services and where Chapter 1 services replace instruction that would be provided with non-federal funds.

Under a literal application of the supplement, not supplant requirement, a child could not leave the regular classroom to receive Chapter 1 funded instruction without causing a violation. This is because any time a child receives Chapter 1 funded instruction when he would otherwise have received non-Federally funded instruction, the Chapter 1 funded instruction has supplanted that which, absent Chapter 1, he would have otherwise received. Congress recognized that a literal application was never intended by providing in Chapter 1 that an LEA shall not be required to provide Chapter 1 services outside the regular classroom or school program in order to comply with the supplement, not supplant requirement.

Further guidance is needed concerning how the supplement, not supplent requirement applies to "limited pull out" and "replacement" projects. In a "limited pull out" project, an educationally deprived child is "pulled out" of his regular class for a limited portion of his total instructional time (e.g., not more than 25 percent) to receive remedial instruction from Chapter 1 staff. In a "replacement" project, Chapter 1 services replace all or part of the course of instruction regularly provided to Chapter 1 children with a distinct, self-contained program. While ED has recognized the legitimacy of both approaches in its June 1983 Nonregulatory Guidance, we believe it is important for Congress to do so as well. In addition, while the Nonregulatory Guidance sets out the conditions to be met (e.g., the required contribution of State and local funds) to operate such projects in compliance with the supplanting prohibition, it is subject to change at ED's sole discretion. We urge Congress to require ED to publish its guidance on instructional services which meet the supplement, not supplant requirement as part of the Chapter 1 regulations so it is more reliable and subject to both congressional and public comment.

- Specify how a student qualified for bilingual or handicapped services may also be served by Chapter 1

Beginning in 1976, the Title I regulations implementing the supplement, not supplant requirement generally prohibited SEAs and LEAs from using Chapter 1 funds to provide services required by law. Underlying those regulations was the notion that, absent Title I funds, SEAs and LEAs would use other funds to provide those services required by law. However, in the 1981 Title I regulations and 1983 Nonregulatory Guidance, ED recognized the difficulty in defining exactly what services are "required by law" and in administering such a standard, particularly with respect to identified handicapped children and children with limited English proficiency (LEP).

The approach adopted in ED's Nonregulatory Guidance assumes that all children, whether handicapped or LEP, are eligible to participate in Chapter 1 programs consistent with federal civil rights requirements. It further assumes that services provided handicapped or LEP children when comparable to supplementary services provided non-handicapped or non-LEP children may also be regarded as supplementary even where such children are entitled to special services under federal law. However, the Nonregulatory Guidance also states that generally an LEA may not use Chapter 1 funds for special education services required for handicapped or LEP children under federal or State law.

The Nonregulatory Guidance reconciles these seemingly contradictory policy statements by clarifying that an LEA may use Chapter 1 funds to provide services to handicapped or LEP children without violating the supplement, not supplant requirement if the Chapter 1 services have the following basic characteristics: (1) The LEA's Chapter 1 project addresses special needs resulting from educational depriviation not needs relating to a child's handicapping or LEP condition; (2)The LEA sets overall project objectives that do not distinguish between handicapped (or LEP) and non-handicapped (or non-LEP) participants; (3) The LEA uses uniform criteria to select participants only on the basis of educational depriviation, not on the basis of handicap or LEP and further limits such selection to only those children who can reasonably be expected to make substantial progress toward accomplishing project objectives without substantially modifying the educational level of the subject matter; and, (4) The LEA provides Chapter 1 services taking into account the needs and abilities of individual participants but without distinguishing generally between handicapped (or LEP) and other children with respect to the instruction provided.

We are increasingly uncomfortable relying solely on ED's Nonregulatory Guidance which is subject to change at any time. The time has come for Congress to precisely define which children are to receive Chapter 1 services and how they should be served. In this regard, Chapter 1 has been successful because it has focused on all educationally deprived children rather than on those populations with specific learning handicaps and disabilities who are also educationally deprived. Just as we do not wish to exclude such children from Chapter 1 services that they can benefit from, we do not want to see Chapter 1 programs replace separately funded services designed to specifically address the needs of those special populations.

To retain Chapter 1's focus on educationally deprived children as a whole, we urge Congress to specify that handicapped and LEP children who are identified as educationally deprived may receive Chapter 1 services only if those services have all of the characteristics set forth in ED's Nonregulatory Guidance.

VI. In Light Of the U.S. Supreme Court Decision In Aguilar v. Felton, We Urge Congress To Clarify The Requirement Mandating "Equal Expenditures" For Chapter 1 Students In Public And Private Schools

Title I was the first federal aid-to-education program authorizing assistance for children attending private schools. In recognition of the fact that not all educationally deprived children in low-income areas attend public schools, Congress included eligible private school children among the beneficiaries of the program. We vigorously support this view that the program should offer remedial services to eligible educationally deprived children regardless of whether they attend a public or private school.

Section 557(a) of Chapter 1 retains the same basic requirement for the participation of educationally deprived children in private schools. In addition to requiring LEAs to make provision for the participation of private school children, Section 557(a) states that "expenditures for educational services and arrangements ...for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools."

While the statute gives LEAs the primary responsibility for designing and implementing special educational services for educationally deprived children attending private schools, Chapter 1 prohibits an SEA from approving an LEA's Chapter 1 application unless it provides assurance that the projects described "make provision for services to educationally deprived children attending private elementary and secondary schools."

How to comply with the Chapter 1 requirement to serve private school children on an equitable basis without constitutional problems regarding the separation of church and state has become more complex in light of the Supreme Court ruling in *Aguilar v. Felton*. That ruling, issued on July 1, 1985, held that providing Chapter 1 instructional services on the premises of religiously affiliated private schools violates the Establisment Clause of the First Amendment. The decision eliminates the option of providing on-premises instructional services for private school children under Chapter 1, and thereby raises a number of issues concerning how LEAs can best serve eligible children in private schools.

In light of the *Aguilar* decision, we respectfully ask Congress to:

- *Clarify whether it is permissible to serve private school children in a portable van or bungalow on or near private school premises.*

  Since the *Aguilar* decision, SEAs and LEAs have been grappling with the question of where to provide Chapter 1 services to children attending private schools. Although many LEAs serve private school children through remedial classes at public schools, such an approach is not always feasible due to distance or space limitations. ED has said that subject to certain conditions, it would approve the use of portable vans or bungalows on or near private school premises. New York City and other LEAs have determined that they must use vans in order to properly serve the private school students. Although most of the private school children in New York will receive Chapter 1 services at public schools, some will go to "neutral sites" leased by the Board of Education and others will receive Chapter 1 instuction in classroom vans. These vans cost about $2,400 per parochial pupil (compared to $1,050 per student for the actual instruction) and will be used only when there is no available public school or leased space within a ten minute drive of the religious school. Does a van parked on or near a religious school constitute "on premises" services? ED's Office of General Counsel says no; the Committee for Public Education and Religious Liberty says yes. Rather than force SEAs and LEAs to wait for further court decisions for guidance, we urge Congress to clarify what it considers appropriate.

- Clarify what constitutes equitable expenditures for private school children.

The additional cost of providing Chapter 1 services to private school children can skyrocket when the services must be provided at a site other than the private school or a nearby public school. At a minimum, LEAs are faced with increased transportation costs and at other times must go further to lease new space, buy portable classrooms, or hire an independent contractor to provide the services. The leasing of vans to serve about 15 percent of the private school children receiving Chapter 1 services in New York City is expected to cost between $4.7 million and $5.9 million a year. ED's General Counsel, stated that the cost of vans, associated liability insurance, and acceptable bungalows as well as rent on ground leased from a parochial school should come from the LEA's Chapter 1 allocation for all students. Is this fair? Is it fair to reduce the level of instructional services for Chapter 1 students in public schools to pay for vans and leased classrooms to serve children in private schools?

We respectfully ask Congress to clarify what constitutes "equal expenditures" for private school children. The concept of "equal expenditures" should be clarified to mean "equal expenditures for instructional services" and "equal expenditures for administrative services." At a minimum, we ask Congress to define the limit for administrative expenditures incurred while delivering Chapter 1 services to children in private schools.

Under Section 557(b) of Chapter 1, as under Title I since 1974, the Secretary of Education is required to "bypass" an LEA and arrange directly for the provision of services to private school children in the LEA if, after a hearing the Secretary determines that the LEA: (1) is prohibited by law from providing Chapter 1 services for private school children on an equitable basis; or (2) has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools. If the Secretary implements a "bypass," he waives the LEA's responsibility for providing Chapter 1 services for private school children and usually hires a contractor to provide the services.

Although we recognize it is difficult, to develop standards to determine whether a bypass should be implemented that would apply to all possible circumstances, SEA and LEA officials should have some guidance concerning the criteria the Secretary may use to make a "bypass" determination.

Therefore, we urge Congress to clarify the situation by amending the "bypass" provision to:

- Direct the Secretary to set forth in regulations the basic criteria to be used in a hearing to determine whether an LEA has substantially failed to provide for the participation of children in private schools.

  The Secretary implements a "bypass" if he determines that an LEA has "substantially failed" to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools. Neither the statutes nor the regulations provide guidance as to what criteria would be used to determine if an LEA had "substantially failed" to meet it obligations. Despite previous requests for standards, ED has always responded that it prefers to retain flexibility to deal with particular circumstances. We do not understand why the Secretary cannot specify the basic criteria to be taken into account without unduly restricting his ability to examine the particular facts. This guidance is essential as LEAs attempt to strike a proper balance with regard to the *Aguilar* decision. Therefore, we ask Congress to direct the Secretary to publish such criteria for comment through the public rulemaking process.

- Specify that the Secretary may not invoke a "bypass" for fewer than 10 children attending private schools.

  Many LEAs have only 2 or 3 eligible Chapter 1 students attending private schools. In such circumstances, practical considerations dictate spending a limited amount of time and effort in arranging equitable services for such children. Although we are not suggesting that the needs of a small number of children are not important, there must be a reasonable balance between the administrative effort for serving these children and other similarly eligible children attending public schools. Section 201.90(b) of the Title I regulations in effect in 1981 specified that the Secretary may decide not to implement a bypass if "the number of private school children in the LEA who would participate is fewer than 10" and the bypass "would result in the wasteful and extravagant expenditure of Title I funds." We urge Congress to include this language as part of the statutory standard used by the Secretary to determine whether to invoke a "bypass."

VII. Active Parental Involvement In The Design And Implementation Of Chapter 1 Programs Is Highly Desirable And Should Continue To Be Encouraged

We fully support continued parental involvement in the planning and implementation of Chapter 1 programs. Indeed, it is desirable that all parents take an active interest in their children's learning experiences both at home and in school.

In recognition of the important role that parents should play in their children's education, parental involvement has long been a feature of Title I programs. In fact, when the U.S. Office of Education issue Program Guide No. 44 in 1968, it included a number of recommendations concerning parental involvement.

Under Section 556(b)(3) of Chapter 1, as under Title I, LEAs must consult with teachers and parents of participating children as they design and implement their Chapter 1 project. Unlike Title I, however, Chapter 1 does not require LEAs to establish parent advisory councils. Congress did, however, as part of the Technical Amendments of 1983, add Section 556(e) which requires LEAs to invite all parents of eligible children to an annual meeting to explain the program and activities to be conducted and allows LEAs to spend funds to support parental involvement activities. Congress added this provision to ensure parents of eligible children at least one opportunity annually to meet with each other and with appropriate agency officials. We support the congressional decision to require annual meetings not as the exclusive form of parental involvement but rather as a mechanism for establishing ongoing communications.

Recently, Secretary of Education, William J. Bennett issued new Chapter 1 regulations requiring LEAs to develop "written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of the LEA's Chapter 1 project." The requirement, in Section 200.53 of final Chapter 1 regulations published on May 19, 1986, lists activities which an LEA may consider in developing policies which, according to the preamble to the new regulations, "ensure systematic consultation with parents."

While we support Secretary Bennett in encouraging LEAs to continue and expand their efforts to actively involve parents in Chapter 1 programs, we question whether there is any language in the Chapter 1 statute or legislative history which authorizes the Secretary to require LEAs to "develop written policies." We also question Secretary Bennett's decision to impose the requirement without prior publication as a proposed rule for public comment and without any consultation with State or local administrators.

Local educators are best positioned to determine how to involve Chapter 1 parents in the design and implementation of Chapter 1 projects. As State level administrators, we will continue to encourage local education officials to make the school environment inviting to parents to get involved. In addition, we urge Congress to amend the law to explicitly permit the use of Chapter 1 funds for not only parental involvement activities, but also for training of the parents of children participating in Chapter 1 projects. Such parent training programs could, among other things, address adult illiteracy and could include training in the use of teaching techniques and educational materials for use in the home.

VIII. Congress Should Require SEAs and LEAs To Use Uniform Evaluation Methods Which May Be Used To Compile Nationwide Data On The Effectiveness Of The Chapter 1 Program

Chapter 1 contains less specific requirements for evaluation than Title I. Although Chapter 1 requires LEAs to conduct an evaluation of their Chapter 1 projects at least once every three years, it gives LEAs considerable discretion concerning the methods to be used. All that Section 556(b)(4) of Chapter 1 requires is that the evaluation design "include objective measurements of educational achievement in basic skills" and "a determination of whether improved performance is sustained over a period of more than one year." Unlike Title I, Chapter 1 does not require LEAs to use any particular evaluation models.

Similarly, while Section 555(e) of Chapter 1 requires each SEA to conduct an evaluation of the Chapter 1 programs in the State at least once every two years, it does not specify the type of evaluation or the type of evaluation data to be collected. In Section 204.23 of the Chapter 1 regulations published on May 19, 1986, ED stated that an SEA could meet its evaluation requirement by aggregating the data collected by LEAs to meet the LEA evaluation requirement. Like the statute, the regulation fails to specify or clarify the type of evaluation instruments or methods which should be used.

In recognition of the need to objectively determine the effectiveness of Chapter 1 services on a nationwide basis, we urge Congress to:

- Reinstitute a requirement that SEAs and LEAs must use prescribed evaluation methods which would enable ED to compile nationwide data on the Chapter 1 program's effectiveness.

  We spend billons of dollars a year to provide remedial services to educationally deprived children. We should have reliable nationwide data on the effectiveness of those services. The only way to compile meaningful nationwide data is to mandate that all SEAs and LEAs use compatible evaluation methods on a compatible evaluation schedule. Indeed, it is the lack of such a requirement which has led recent studies of Chapter 1 to use evaluation data collected years ago when the Title I evaluation requirements were still in effect. This is unacceptable. Congress, administrators, teachers, and parents should have current, valid data on the effectiveness of Chapter 1 programs.

  We urge Congress to consider requiring the use evaluation models similar to those previously prescribed by the 1981 Title I regulations. Those evaluation models, carefully developed through years of research and pilot project field testing, offered LEAs a choice among 3 models (norm-referenced model,comparison group model, and regression model) or an alternative which was approved by the SEA and the U.S. Secretary of Education. To be approved, an alternative model had to yield a measure of:

(1) the children's performance in reading, language arts, or mathematics; (2) their expected performances; and (3) the results of the project expressed in the common reporting scale established by the Secretary for SEA reporting. The Title I evaluation models, together with the option for alternative models, struck a good balance between local discretion and the need to compile uniform nationwide data.

- Specify different evaluation requirements for Chapter 1 programs which serve special populations.

In considering types of evaluation requirements, it is important to keep in mind the distinct nature of the populations served by the Chapter 1 migrant education, handicapped, and neglected and delinquent programs. At present, the same evaluation requirements that apply to the LEA basic grant program apply to all Chapter 1 programs. This approach ignores the difficulty, if not impossibility, of collecting objective achievement data and data on sustained gains for children in institutions for the handicapped or neglected and delinquent children. It is impossible to aggregate any such data with that collected for educationally deprived children in regular school programs. Special practical problems also exist in gathering data on sustained gains in the migrant education program due to the mobility of the population. In recognition of the special nature of these populations, we urge Congress to: (a) exempt the Chapter 1 handicapped and neglected and delinquent programs from any newly mandated objective evaluation requirements, and (b) specify that nationally mandated standardized achievement data for children in the Chapter 1 migrant education program must be collected on or about the same date every year by whichever school district the child is in at the time for input into the migrant student record transfer system.

IX. The Procedures For Auditing Chapter 1 Programs And Resolving Audit Disputes Should Be Revised To Comply With Basic Concepts Of Fairness And Administrative Due Process

Under the Inspector General Act, the U.S. Department of Education's Office of Inspector General (OIG) conducts federal audits of the various grant programs which ED administers, including Chapter 1 programs. The OIG also reviews audit reports concerning federal education programs issued by independent auditors under the Single Audit Act of 1984, which among other things requires an annual audit covering State and local Chapter 1 programs. There are several serious problems both with the manner in which the OIG audits are conducted and the administrative procedures for resolving audit disputes.

While we support auditing of Chapter 1 programs as a means of ensuring accountability, we are disturbed by the OIG's emphasis on issues relating to accounting or technical compliance rather than on actual fraud, waste, or abuse. There has also been a disturbing diminution of the role of ED's Chapter 1 program officials in determining whether to sustain the field auditors' conclusions. Because the current audit procedures require the OIG's concurrence before audit findings are dropped, ED's Assistant Secretary for Elementary and Secondary Education has seemed more inclined to sustain the OIG's audit findings for resolution later through the audit appeal process.

In addition to the OIG's increased role in deciding which aspects of the program to audit and determining whether to issue adverse audit findings, the size of the OIG's staff has mushroomed in recent years; while at the same time ED's Chapter 1 program staff has shrunk. By constantly focusing on legalistic technical compliance matters and accounting issues (such as whether Chapter 1 expenditures were accounted for as expenditures within the 27 month "Tydings Amendment" period or merely spent or obligated within the period) and excluding meaningful involvement of program officials, the OIG has erroded the collaborative relationship between ED and State and local education officials.

It appears that the OIG is more concerned with including audit findings with large dollar amounts in its reports to Congress than in finding actual fraud, waste, or abuse. The damage that publicity surrounding these "big ticket" audit findings can do is illustrated by an article which appeared in the Miami News in December 1985. In making various allegations regarding so-called "abuse" of Chapter 1 funds by SEAs throughout the country, the authors reported that school districts misspent $4.5 million in Chapter 1 funds during school year 1983-1984. What was the primary source of such an allegation? The answer is ED's FY 1984 annual evaluation report to Congress which reported that federal auditors questioned or recommended for refunds some $4.5 million of costs in nine audits of SEAs and LEAs.

Among the numerous inaccuracies in the article was the fact that the identified funds in question were actually spent during the period FY 1979 through FY 1982 under Title I rather than Chapter 1. In addition, of the $4.5 million which was originally questioned, ED has already ruled that no refund is required with respect to $2 million and the final audit determinations with respect to five other cases involving the other $2.5 million are currently pending on appeal before ED's Education Appeal Board. But it is not the final result in audit cases which is most often published in the media or used in efforts to undermine confidence in federal programs, it is the big numbers that appear in the OIG's audit reports. We believe it is time to redirect the emphasis from "Monday morning quarterbacking" by federal accountants, auditors, and lawyers to collaboration among federal, State, and local officials concerning how to implement effective educational programs.

Under the current procedures, once ED's Assistant Secretary for Elementary and Secondary Education sustains an adverse audit determination against an SEA or LEA, the agency has the right to challenge the determination before an administrative tribunal within ED called the Education Appeal Board (EAB). As part of the Education Amendments of 1978, Congress created the EAB to provide SEAs, LEAs, and other recipients of federal education funds with a "due process hearing procedure for adverse action" taken against them by ED. In creating the EAB, Congress required that its proceedings be conducted according to various legal standards of fairness encompassed in certain sections of the Administrative Procedures Act. However, the statutory authority for the EAB is now interpreted in such a way that the intention of Congress to provide due process in EAB proceedings is not being carried out.

We urge Congress to consider audit reform legislation and we suggest the following specific changes:

- Replace the EAB with Administrative Law Judges or expand the EAB to include members employed by SEAs and LEAs.

  The EAB consists of 15 to 30 members appointed by the U.S. Secretary of Education. Panels assigned to a particular case consist of three persons appointed by the Board chairperson. Currently, the only restriction on panel membership is that only one member can be a federal employee. This arrangement is patently unfair. It is only logical that EAB members appointed by the Secretary tend to give deference to ED. In addition, most EAB members are not trained in either administrative law or administration of education programs. We urge Congress to replace the EAB with trained, impartial Administrative Law Judges. Alternatively, we ask that the EAB be expanded to include SEA and LEA officials with administrative law training required for all EAB members.

- Place the burden of proving that an expenditure is disallowable on ED.

  Under current law, once the Assistant Secretary issues a final letter of audit determination (FLD), the SEA or LEA has the burden of proving the allowability of the questioned expenditure. This places the burden on the SEA or LEA to prove its innocence, often when the basis for the alleged noncompliance is stated in only a cursory manner by the FLD. This approach is contrary to typical administrative law proceedings where the proponent, in this case the Assistant Secretary, would have the burden of proving his allegations.

- All written and oral evidence relied on in the audit process should be available to both parties through discovery to eliminate the possibility of surprise and to ensure fairness.

  As a condition for participating in federal education programs, SEAs and LEAs must provide ED with full access to State and local records. In contrast, SEAs have not had the right of access to individuals or records which may refute the factual basis of ED's claim. In addition, since ED takes the position that the EAB is not authorized to issue subpoenas or compel depositions, SEAs do not have the right to compel ED employees to give testimony to enable the SEA to confront its accusor. This is patently unfair. Congress should specify that each party has the right under Section 556 of the Administrative Procedure Act to obtain access to all relevant material and to compel employees to appear for depositions.

- The SEA or LEA should be afforded the right to an evidentiary hearing with the right to ask the EAB to subpoena witnesses.

  In the vast majority of cases, the EAB has summarily denied SEA requests for evidentiary hearings. In these cases, often without explanation, the EAB renders its decision based solely on submitted legal briefs, supporting documents, and the arguments of legal counsel. Given that these cases often involve millions of dollars as well as serious issues regarding proper program operation, such a summary denial of the basic right to a hearing is unconscionable. Congress should specify that either party be afforded the right to an evidentiary hearing unless the opposing party clearly and convincingly demonstrates that there are no significant issues of factual dispute involved. Such hearings should be held where they are most convenient for most persons involved including witnesses.

- SEA or LEA reliance on written advice from ED officials should be an allowable defense to adverse audit determinations.

  As hard as it may be for anyone with a sense of basic fairness to understand, ED has consistently taken the view that it is not bound by advice which ED officials have given SEA or LEA officials concerning how to operate programs in compliance with federal requirements. Such an approach naturally infuriates SEA and LEA officials who have relied on ED's guidance and unfairly penalizes SEAs and LEAs who have in good faith done what ED has suggested. Such a situation does significant damage to the spirit of collaboration. We think it is time for Congress to specify that when it comes time to ask for money back, ED must stick by its own advice. More specifically, we ask Congress to stipulate that written advice from an ED official shall be considered a defense for actions taken by an SEA or LEA in reliance thereon.

- The standard of substantial compliance should be used to avoid audit disputes involving technical flaws or good faith differences of opinion regarding statutory compliance.

  Under current law, ED may recover all funds for a Chapter 1 project even if the SEA or LEA has substantially complied with the intent and provisions of the law. For example, in one audit case involving comparability of non-Title I services, ED sought to recover all Title I funds spent in a school even though the level of non-federal expenditures deviated by only $0.24 per pupil from meeting the regulatory test for comparable non-federal expenditures per pupil. In other cases, ED has sought to recover all of the funds used by LEAs to pay teacher aides where is was acknowledged that the aides occasionally helped non-Title I students who requested assistance. We do not believe that Congress ever intended such a narrow and rigid view of compliance. Indeed in setting the standards to be used in situations where ED seeks to withhold funds or issue a cease and desist order, Congress specified that ED could take action only in cases whre there was substantial noncompliance. We urge Congress to specify that same standard for hearings in which ED seeks to recover funds.

- Additional flexibility should be given to the Secretary to tailor the penalty to be proportionate to the noncompliance.

  Under ED's current policy, if it is determined that only 10 percent of a designated expenditure was improper (e.g. one out of ten children in a remedial reading class were ineligible), it will often seek a refund of the entire expenditure. Such an approach often results in fiscal penalties that are greatly disproportionate to the severity of the noncompliance. In addition, there are occasions where a compliance agreement would better ensure conformity under the law then the imposition of a fiscal penalty. Rather than penalizing children by requiring an SEA or LEA to refund monies, a compliance agreement enhances the program by establishing a specific plan of action to correct any prior deficiencies. In sum, we urge Congress to give the Secretary broader authority to adjust the monetary penalties or enter into a compliance agreements in resolving audit disputes.

X. That Portion Of The Chapter 1 Law Which Provides Funding For State Operated Programs For Handicapped Children Should Instead Be Incorporated As Part Of The Education Of The Handicapped Act

On April 11, 1965, Congress passed the Elementary and Secondary Education Act which was designed to expand educational opportunities in the nation's elementary and secondary schools. Title I of that Act provided financial assistance to LEAs to meet the special educational needs of educationally deprived children residing in areas with high concentrations of children from low-income families. About 6 months later, on November 1, 1965, Congress passed an amendment (Public Law 89-313) setting aside certain Title I funds for handicpaped children for whom a State agency (rather than an LEA) is directly responsible for providing free public education. At the time of the enactment of Public Law 89-313 in 1965, Title I was a logical place to include a new federal remedial education program. At that point, there was no other federal education program for handicapped children.

The situation today, however, is quite different. In 1975, Cognress enacted the Education for All Handicapped Children Act (Public Law 94-142). This law is a major federal education program which guarantees the availability of special education services to handicapped children who require them and provides federal funds to assist the efforts of State and local governments in providing such services. If P.L. 94-142 had existed when P.L. 89-313 was enacted, we are certain that the federal program to assist State operated programs for handicapped children would have been added to the Education for All Handicapped Children Act.

In fact, instead of publishing the regulations for the Chapter 1 handicapped program as part of the other Chapter 1 regulations, they are found in Part 302 of Volume 34 of the Code of Federal Regulations along with regulations for P.L. 94-142. This is perfectly logical since both programs are administered at the federal level by ED's Office of Special Education and Rehabilitative Services. Likewise, at the State level, the Chapter 1 program for the handicapped is almost always administered by the SEA's special education unit. Those few SEAs which administer the Chapter 1 handicapped program through the Chapter 1 unit often do so with staff who are not properly trained in special education. In sum, we believe that it is both logical and administratively sound for Congress to take this opportunity to move the federal program to assist State operated education programs for handicapped children from Chapter 1 to instead be incorporated as part of the comprehensive federal legislation addressing the educational needs of handicapped children.

XI. Proposed Chapter 1 Vouchers Would Drain Precious Resources For Burdensome Administrative Efforts Resulting In Less Rather Than More Supplemental Remedial Services For Educationally Deprived Children

On November 13, 1985, Secretary of Education, William J. Bennett unveiled the latest Reagan administration legislative proposal to turn the Chapter 1 program into a voucher program. Under the bill, The Equity and Choice Act of 1985 (TEACH), parents of Chapter 1 children would receive a voucher worth about $600 redeemable for any services at any public or private school regardless of whether the school offers remedial instruction.

Thus, in stark contrast to Chapter 1's emphasis on providing supplemental remedial services to meet identified educational needs, TEACH would allow the voucher to be used to subsidize general tuition at a private school. Indeed, while Secretary Bennett has promoted the bill as giving parents options, it would not even allow a student to remain in public school for regular instruction while using the voucher for compensatory services elsewhere. The net result is that TEACH would be a windfall for private schools while not requiring them to meet the needs of educationally deprived children. We can only speculate about the new untested private schools that would spring up to lure parents with recreational facilities instead of remedial programs.

In addition to undermining Chapter 1 as a remedial program, TEACH would also deprive Chapter 1 participants of the important benefits of the present fiscal constraints which ensure that Chapter 1 schools and students are not discriminated against in the distribution of State and locally funded services. Moreover, since private schools receiving TEACH vouchers would not be considered recipients of federal aid, they would not be subject to federal civil rights statutes.

The strength of our opposition to TEACH was demonstrated at an April 16, 1986 meeting in Philadelphia where the National Association of State Coordinators of ECIA, Chapter 1, unanimously passed a resolution opposing the establishment of an education voucher system such as TEACH. This position reflects not only a concern for the devastating effect it would have on Chapter 1 programs, but also a concern for the bewildering consequences it poses for public education.

More recently, a group of Republican Congressmen, the House Wednesday Group, unveiled a legislative proposal to turn Chapter 1 into a modified voucher program that would require individualized educational plans (IEPs) like those required for handicapped students. Under this bill, the Children's Options for Intensive Compensatory Education Act (CHOICE), school districts would inform parents of their child's remedial needs and the availability of public and private school services, and involve parents in formulating the child's IEP which must meet with the parent's approval. Under CHOICE, each State would set participation criteria based on a combination of academic measures (such as test scores) and economic factors (such as school lunch eligibility). School districts would be required to rank eligible students in order of need and provide service to as many as possible.

Although we recognize the House Wednesday Group is motivated by legitimate concerns about focusing remedial services more precisely on students in greatest need and increasing parental involvement, the proposal would destroy the close relationship between Chapter 1 and the regular instructional program while at the same time diverting funds from badly needed services to cope with the costs of an administrative nightmare.

In attempting to remake Chapter 1 in the image of programs for the handicapped, the House Wednesday Group fails to recognize that Chapter 1 services have always been supplemental to and closely coordinated with the regular instructional program in Chapter 1 schools. Similarly, the thrust of Chapter 1 has been to enable educationally deprived children to return to the regular classroom. Establishing a separate, distinctive program of IEPs and vouchers would instead pull Chapter 1 pupils from the regular instructional program and stigmatize them as being deficient. For many, this notion recalls horrible memories of days when "slow learners" were segregated in separate classrooms. We do not want so-called reforms pulling Chapter 1 children away from their home schools and regular classroom teachers. Rather, Chapter 1 should remain a way to help educationally deprived children succeed in the basic education system, not be removed from it.

As if CHOICE's negative educational consequences were not bad enough, they would be compounded by equally devastating administrative consequences. First, school districts lack sufficient information on the income of individual parents to rank students on the basis of economic factors. Secondly, to do so would violate not only privacy laws, but also basic American principles regarding the dignity of the individual. In addition, it would be extremely costly to conduct complicated needs assessments and mount the massive administrative effort required to develop IIPs for millions of children. The plan does not address the multitude of other administrative costs involved such as monitoring new programs in private schools and transporting students to sites other than their regular school for special services. In sum, the burdensome and expensive administrative effort would drain resources and result in reduced services for educationally deprived children.

Although Chapter 1 is not perfect and could benefit from some fine tuning, it does not need IIPs, vouchers, or any other type of major redirection. Rather, Chapter 1 is a proven success in need of increased funding to serve more of the identified educationally deprived children in low-income areas.

CONCLUSION

Despite Chapter 1's success in providing children in low-income areas with remedial instructional services in reading, language arts, and mathematics, the number of children in need of such services continues to grow. The unfortunate truth is that the number of children living in poverty is at the highest level in 20 years. In 1983 (the most recent year for which data has been compiled), there were approximately 13.8 million children under age 18 who lived in families with incomes below the poverty line of $10,178 for a family of 4. That means that nearly one-fourth of all children under 17 were living in poverty, including 1 of every 2 black children and 2 of every 5 Hispanic children. That means, too, that strong congressional support for Chapter 1 is critical if the program is to continue to succeed in giving such children the extra educational services needed to break out of the cycle of poverty and realize their potential.

Summary of Comments Regarding HR950, The Special Educational Needs Act of 1987

These comments are from the Executive Board of the National Association of State Chapter I Coordinators. The Executive Board represents every geographic section of the country.

p.4, line 22

Use of the word "all" concerns the midwestern states that have had to severely restrict services to certain grades because of availabiliy of funds.

p.12

Use of most recent data, if '80 census data, will hit hard in the Midwestern states. They were prosperous in 1979-1980, but not in 1985-1987.

p.14, line 1

Use of October is not a good date for neglected/delinquent homes in calculating caseloads. November is more reliable.

p.17-19

Leave out "counties" when develping concentration grants. Just use LEA's as the base. This is the old formula again. It gives monies to rich suburbs that are close to big cities in a county.

p.22, line 22

What does "beyond competency" mean?

p.23, lines 7-9

Are there any limits to continuation of services?

line 13

Are there limits to funding for desegregation purposes? One year? Two years?

p.30, lines 18-24

Is this section to serve as the definition of educationally deprived? Suggest a definition be placed in the Definitions Section as follows:

The term "educationally deprived" shall refer to children whose academic achievement is substantially below that of their peers according to standards established by the State Education Agency, excepting that children not yet of school age in a given state may be considered as eligible participants based on criteria established by the State Education Agency to determine if a child can benefit from an organized instructional program.

Comment: the use of the word "substantial" is repeated in several contexts in HR950 and seems appropriate for this critically needed definition.

p.37, lines 14-15

NASC strongly supports annual collection of achievement data for all basic skills programs, not just for schoolwide projects. This is a critical issue. Nearly all states continue to submit annual achievement data regardless of the phrasing in the Evaluation Section.

p.38, line 10

What is meant by "paid participation in school activities"? That appears to a loose expression, perhaps not intended.

p.48, lines 20-21

This wording is similar to Chapter I. It is extremely difficult to administer, explain, or demonstrate in small districts. Two thirds of the districts served by Chapter I are small.

p.55

NASC strongly recommends that a sentence be added as follows:

(2) collect achievement data annually either as state sample or whole population testing according to an agreed plan with the United States Department of Education.

Comment: Collecting data once every two years doesn't do it. Its really two years and six months or more before that data can be assembled. Yearly is sufficient and not a burden since many states will do a one third sample each year.

p.57 Reservation for Migrant Programs

This section promises to triple migrant student funding, since another section makes children age 3-21 eligible for migrant funding, plus the five year provision. Is this tripled funding what is really needed?

p.62, lines 21-22

NASC notes again that the Even Start Program requires an annual evaluation. Perhaps the basic remedial program should also.

p.91, line 18

Several states have commented that ten percent carryover is too low to adjust for unexpected funding changes, particularly since a new census count will be taken in two years. NASC asks for 15 percent as the bottom figure.

p.89

Payment schedule is not appropriate, particularly for smaller states. NASC had recommended 1 1/2 percent for administration. As a minimum the smaller states should be raised to $300,000.

Mr. KILDEE. I thank you, Mr. Dallam.

Ms. Northern.

STATEMENT OF CHARLOTTE NORTHERN, REPRESENTING THE NATIONAL COALITION OF TITLE I/CHAPTER 1 PARENTS, ACCOMPANIED BY PAUL WECKSTEIN, DIRECTOR, WASHINGTON OFFICE, CENTER FOR LAW AND EDUCATION

Ms. NORTHERN. Good morning.

First, I will have to apologize for my voice not being as strong as it could be, but I am here with the flu this morning.

Mr. KILDEE. Why do you not pull the microphone right up close to you then. It will help some.

Ms. NORTHERN. I am a mother of three sons; two who have participated in the Chapter 1 program and now graduated successfully. I am also a member of the board of directors of the National Coalition of Title I/Chapter 1 parents. Today I am speaking on behalf of the National Coalition of Title I/Chapter 1 parents, and also speaking in support of the position paper on Chapter 1 which you have received from child advocacy groups.

I, too, will try to summarize my written testimony, not within five minutes; maybe 10, and be as brief as possible.

As the one national organization of Chapter 1 parents, we are the ones who most directly experience the gains made by this essential program, but we are also the ones who are hurt when the program is not all that it could or should be. Most of my remarks today will focus on two parts of the child advocacy group's position paper which are of especially high priority to the National Parent Coalition: program quality and parent involvement.

While both mainstream success and parent involvement are specified as purposes of H.R. 950, we believe that significant changes must be made to achieve those purposes. We believe that local education agency as a part of this Chapter 1 application should develop a plan for program quality which describes clearly how aspects of the local Chapter 1 program will be tightly connected to local educational goals.

That includes the skills and knowledge that the school community, including parents, believe that all children should master, including basic and higher-order skills.

Chapter 1 cannot and it should not be a program which tracks students toward unequal educational achievement, nor should it establish and ratify lesser expectations for educationally disadvantaged students.

The entire program plan from student assessment to design of strategies to evaluation should then be tied to these goals. That is, to the skills to be mastered by all students.

This basic framework is well grounded in what we as parents have learned about school effectiveness. Programs succeed when uniformly high expectations are clearly articulated and communicated to all involved, adopted by those involved so that everyone believes they are achievable, and supported, too, by strategies and regular evaluations designed to see that they are being achieved.

The design of educational strategies to achieve goals should include: Examination of the Chapter 1 student's regular program, both to maximize integration and to modify those aspects of their regular program which may be frustrating achievement of the goals. It should include examination of which practices are helping or hindering achievement of the goals, particularly including student grouping practices both within the student's regular program and the Chapter 1 grouping.

As a parent in Alexandria and being involved in education over the years, I have had an opportunity to talk with many, many students. Now I have two sons at the junior and senior high school level, and I have talked with kids that are in the lower tracks in their classes. And these students tend to say about their classes, oh, I am in the dummy class. I am not expected to achieve. I am not expected to achieve in life, nor in his classroom.

So I say that teachers and students, both students and teachers report that low track classes often have fewer curricular goals beyond getting through the day quietly.

When Chapter 1 student's regular classroom assignment is to a lower expectation group or track which does not even include the skills and knowledge that are the community's goals for all students, there is no way the supplementary Chapter 1 program can be successful.

Thus, it is important that any parts of the Chapter 1 student's overall program which frustrate the program goals be examined and modified.

We also propose that the results of the student assessment program be used to develop student plans for those students who after one year are having particular difficulty mastering the program goals. This would ensure partnership in which the student, parent and teacher clearly understand how the overall instructional goals and program relate to that student and have a clearer sense of responsibility for striving toward the goals.

All aspects of the Federal and state roles should then be focused specifically on implementation of the local quality provisions. This includes approval of the applications, technical assistance, monitoring and enforcement, evaluation and incentives.

H.R. 950 now lacks the provisions to accomplish this in terms of the setting of the local goals in the mainstream terms discussed, the development of a local plan with all aspects tied to those goals and specific references to implementation of these program quality provisions in each aspect of the state and Federal role.

Since we know from the statement of purpose in the bill that is your intent, we look forward to working with you to assure that the bill accomplishes the intent.

Secondly, the parents are the first and the primary educators of their children, and they have the right to be involved in decisions that affect their children. There is clear evidence that when parents are involved their children perform and achieve better, and their schools do better.

Further, no matter what the state and Federal role, we must ultimately depend upon informed and involved parents to see that programs are well run and that problems are resolved at the local level.

In addition, studies and experience show that unless there are clear mandates and a specific enforceable process, parent involvement programs either do not exist at all or are not effective. Both parents and educators must know what is expected of them and what the rules are.

Under the present legislation, parent involvement is not working. With the dismantling of Title I and the adoption of Chapter 1, school system across the company discarded parental involvement. Doors closed in parent's faces when they tried to inquire about the program or raise problems about program quality.

This step backward is especially appalling when you realize that even before Chapter 1 only a minority of districts provided for real involvement in program design and implementation as opposed to rubber stamping one-way provision of information social activities.

H.R. 950 does not remedy these problems for several reasons. First, it calls for written policies on parent involvement. Parents are given no role in developing those policies.

Second, there is a list of activities which such policies may address, but there is no requirement that any or all of them be addressed.

Thus, a parent involvement policy and program that did nothing to provide parents with timely information, provide needed training, provide response to parent recommendations would apparently be perfectly legal even though it lacked the very things we know are needed to make parent involvement real.

Third, it calls for an annual parent meeting but fails to set out the relationship between the meeting, the development of the parent policies and the ongoing parent involvement activities.

Fourth, there are not the kind of specific Federal and state responsibilities need to assure and improve implementation. Our proposal remedies this in a way that is clear and flexible.

One, initial meetings for all eligible parents are held to inform them about program requirements and their rights of involvement, and to give them a chance to develop their own organization.

Two, once the parents organize themselves in a manner of their own choosing, that organization and school officials jointly develop a parent involvement policy to be approved by both the school officials and the parents. The jointly developed policy must assess and address certain basic issues central to parent involvement, including regular communication among parents;, ongoing, informed and timely involvement in all aspects of program planning, implementation and evaluation; need for program training on program requirements and curricula; full and timely information and other support; outreach including outreach to limited English-proficient and hard to reach parents; assistance to parents in working with their own child; and adequate staff assignment; staff training and budget to carry out the chosen activities.

We do not propose to tell parents and schools how these issues should be addressed; simply that they together should assess each of them and design ways of addressing them which speak to local needs.

School officials and parents should then jointly evaluate how well the parent involvement is working and take annual steps to overcome barriers to their involvement. State and Federal responsibilities for technical assistance, including assistance to parents, application approval, evaluation, monitoring and enforcement, complaint procedures and incentives should then be carefully keyed to the local parent involvement requirements.

We commend to you the position statement of the child advocacy groups on other key issues: targeting and physical requirements, limited English-proficient students, private schools and full funding.

Congress now has an opportunity to be genuinely effective in the education arena by assuring that program quality is spelled out in a clear mandate and further ensuring that parent involvement be an implemented reality at local levels, just a policy.

The National Coalition of Title I/Chapter 1 parents, board of directors and members respectfully ask Congress to pass Chapter 1 legislation that will ensure academic and social achievement for all of America's children.

Thank you.

[The prepared statement of Charlotte Northern follows:]

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TESTIMONY ON

REAUTHORIZATION OF CHAPTER 1

OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

(H. R. 950)

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

COMMITTEE ON EDUCATION AND LABOR

UNITED STATES HOUSE OF REPRESENTATIVES

PRESENTED BY

CHARLOTTE NORTHERN

PARENT, ALEXANDRIA, VIRGINIA

MARCH 3, 1987

I am Charlotte Northern, a mother of three sons who attend the Alexandria City Public Schools. Two of my children participated in the Title I Chapter 1 program. They are now junior and senior high school students achieving academically at the appropriate levels for their grade.

Today, I am speaking on behalf of the National Coalition of Title I Chapter 1 Parents. I wish to present our views on the reauthorization of Chapter 1.

I am also speaking in support of the position paper on Chapter 1 which you have received from child advocacy groups. That statement reflects the strongly held beliefs of the National Coalition of Title I Chapter 1 Parents, as well as the other organizations which participated in its development.

The National Coalition of Title I Chapter 1 Parents is a national non-profit membership organization for parents which promotes parental involvement in education. It works with active Chapter 1 parent members at local, regional and national levels. Some of our major activities during the past year have included analysis of legislative issues associated with education; training conferences and workshops which provide a consistent forum for learning, dialogue and exchange of information between parents and educators; provision of information to parents through our clearinghouse, the National Parent Center; and work with other child and parent advocacy organizations to develop the Child Advocacy Groups' position paper on the reauthorization of Chapter 1. The importance of education, the increased numbers of children in poverty, and the rise in drop out rates all require that we significantly intensify our effort as an advocate for programs affecting economically and educationally disadvantaged children and their parents during 1987, and future years.

As the one national organization of Chapter 1 parents, we are the voice of the children for whom this program is designed and their families. We are the ones who most directly experience the gains made by this essential program. But we are also the ones who are hurt when the program is not all that it could or should be. Thus, we have the strongest interest in improving certain aspects of the program.

Most of my remarks today will focus on two parts of the Child Advocacy Groups' position paper which are of especially high priority to the national parent coalition:

(1) Program Quality: A major focus of reauthorization must be improvement of Chapter 1 programs. A program that meets all standards for supplement/not supplant and comparability but which fails to overcome educational barriers to mainstreamed achievement is not a successful Chapter 1 program.

(2) Parental Involvement: Parents are the first and primary educators of their children. Federal education policy must strengthen parents' right to be fully involved in all aspects of the design and implementation of their children's program, through organized involvement methods which they have helped to determine.

While both mainstream success and parent involvement are specified as purposes of H.R. 950, we believe that significant changes must be made to achieve those purposes.

Program Quality. The basic Chapter 1 law continues to be the framework for the Coalition's proposal for program quality. We believe that the local education agency, as a part of its Chapter 1 application, should develop a plan for program quality which describes clearly how it proposes to overcome the educational deficiencies of the children served and achieve mainstreamed success. **All aspects of the local Chapter 1 program should be tightly connected to local educational goals that include the skills and knowledge that the school community, including parents, believe that all children should master.)**

The local goals for Chapter 1 must be mastery of the same skills and knowledge expected of all children at their particular grade in the school system. Chapter 1 cannot and should not be a program which tracks students toward unequal educational achievement, nor should it establish and ratify lesser expectations for educationally disadvantaged students.

Stating the Chapter 1 goals in terms of the skills and knowledge which the school community (including parents) believes all students should master should then provide a framework for a plan (developed with, and communicated to, staff and parents) in which all aspects of the local program are carefully tied to achieving those goals, including:

a) assessment of students in relation to the goals (see below);

b) selection of strategies most likely to achieve the goals (see below);

c) allocation of resources (staff, materials, staff training, including training around student expectations, etc.) and responsibility sufficient to carry out those strategies;

d) evaluation of achievement of the specific goals and steps to modify the program to better achieve them.

This basic framework is well grounded in what we as parents have learned about school effectiveness -- programs succeed when uniformly high expectations are: clearly articulated and communicated to all involved, adopted by those involved so that everyone believes they are achievable, and supported to by strategies and regular evaluation designed to see that they are being achieved.

The design of educational strategies to achieve goals should include examination of the Chapter 1 student's regular program, both to maximize integration and to modify those aspects of their regular program which may be frustrating achievement of the goals. It should include examination of which practices are helping or hindering achievement of the goals, particularly including student grouping practices (both within the student's regular program and Chapter 1 grouping).

Grouping, phasing, or tracking -- which are fundamentally synonymous in the educational arena -- classify and separate students for different educational treatments. The extent and type of separation may be different in different schools and among children at different ages. However, all grouping, phasing, and tracking systems create classification that determine both the quantity and the type of education students receive, sometimes based upon unfounded assumptions. I have personally talked with students, assigned to "phase 2" classes (lower end of educational progression) who have said to me, "Oh, I'm in the dummy class, I am not expected to achieve in school or in life." How does one respond to such a statement? The answer: "It is extremely difficult." High expectations are lacking for these students. If you say to a child that he/she cannot learn, then he/she will not learn.

Both teachers and students report that low-track classes often have few curricular goals beyond getting through the day quietly. When the Chapter 1 student's regular classroom assignment is to a low-expectation group or track which does not even include the skills and knowledge that are the community's goals for all students, then there is no way the supplementary Chapter 1 program can be successful. Thus, it is important that any parts of the Chapter 1 student's overall program which frustrate the program goals be examined and modified.

The assessment program should identify the students having most difficulty, and their specific strengths and weaknesses, in terms of mastering the mainstream goals and skills expected of all students -- for purposes of student selection, design of strategies, and measurement of progress.

We also propose that the student assessment results be used to develop student plans for those students who after one year are having particular difficulty mastering the program goals. While this proposal draws on experience with individual plans under P.L. 94-142, it also has significant differences -- most notably (1) it is primarily a partnership between the teacher and parent around instruction and learning, rather than focusing heavily on the involvement of other professionals (psychologists, etc.); (2) it deals with the student's needs and strengths in relation to the overall program goals of skills and knowledge expected for all students, so that it does not become a vehicle for lowered expectations. It ensures that the student, parent, and teacher clearly understand how the instructional goals and program relate to that student and have a clearer sense of responsibility for striving toward those goals.

All aspects of the federal and State role should then be focused specifically on implementation of the local quality provisions. This includes approval of applications, technical assistance, monitoring and enforcement, evaluation, and incentives.

H.R. 950 now lacks the provisions to accomplish this, in terms of: (a) the setting of the local goals in the mainstreamed terms discussed above; (b) the development of a local plan with all aspects tied to those goals; and (c) specific references to implementation of these program quality provisions in each aspect of the State and federal role. Since we know, from the Statement of Purpose in the bill, that is your intent, we look forward to working with you to assure that the bill accomplishes that intent.

Our experience as parents convinces us that serious action of this kind on program quality is needed. Our parent members frequently encounter problems at the local level -- for example: the system used for delivering services is inadequate and not consistent; or achievement goals are not defined, or do not include higher order thinking and problem solving skills, or are not clearly communicated to the teachers, parents, or students; or staff are not always trained in a specific discipline (e.g., math); or school systems do not do a good job of discovering and acknowledging problems and then improving programs; or when a program achieves it goals, it is then cut instead of expanded or aimed at higher goals; etc. As well as raising the program quality issue, these problems also speak to the need to assure parents a meaningful role so that they can get such problems addressed.

Parent Involvement. As I said previously, parents are the first and primary educators of their children and they have the right to be involved in decisions that affect their children. There is clear evidence that when parents are involved, their children perform and achieve better, and their schools do better. Further, no matter what the State and federal role, we must ultimately depend upon informed and involved parents to see that programs are well run and that problems are resolved at the local level.

In addition, studies and experience show that unless there are clear mandates and a specific enforceable process, parent involvement programs either do not exist at all or are not effective. Both parents and educators must know what is expected of them and what the rules are. Therefore, the Chapter 1 law should establish the basic elements of an effective, organized parent involvement program, while at the same time allowing parents to shape the specific forms that this involvement should take in our community. The law should also specify clear and appropriate roles for the State and Federal government to play in ensuring effective parent involvement.

Under the present legislation parent involvement is not working. With the dismantling of Title I and the adoption of Chapter 1, school systems across the country discarded parental involvement. Doors closed in parent's faces when they tried to inquire about the program or raise the kinds of program quality problems I mentioned above. This step backward is especially appalling when you realize that even before Chapter 1, federal studies have shown that only a minority of districts provided for real involvement in program design and implementation -- as opposed to rubber-stamping, one-way provision of information, social activities, etc.

H.R. 950 does not remedy these problems, for several reasons:

> First, while it calls for written policies on parent involvement, parents are given no role in developing those policies.
>
> Second, there is a list of activities which such policies may address, but there is no requirement that any or all of them be addressed. Thus, a parent involvement policy and program that did nothing to provide parents with timely information, to provide needed training, to provide responses to parent recommendations, etc. would apparently be perfectly legal -- even though it lacked the very things we know are needed to make parent involvement real.
>
> Third, it calls for an annual parent meeting, but fails to set out the relationship between the meeting, the development of the parent policies, and the ongoing parent involvement activities, conveying the sense that this is a one-shot, "Here's the program, we're happy to hear from you, see you next year," meeting -- which has all too often been the interpretation under current law.
>
> Fourth, there are not the kind of specific federal and State responsibilities needed to assure and improve local implementation.

In fact, this statement about the meeting, written policies, and a list of optional activities is essentially current law and regulations, and it is not working.

Our proposal remedies this in a way that is both clear and flexible:

(1) **Initial school and district meetings for all eligible parents (and their invitees) are held to inform them about the program, its requirements, and their rights of involvement, and to give them a chance to meet each other and to develop their own organization.**

(2) **Once the parents have organized themselves in a manner of their own choosing, that organization and school officials work jointly to develop a policy on parent involvement, to be approved by both the school officials and the parents.**

(3) **The jointly developed policy must assess and address certain basic issues central to parent involvement** -- including regular communication among parents; ongoing, informed, and timely involvement in all aspects of program planning, implementation, and evaluation, with timely response to their recommendations; needs for adequate parent training (on program requirements, curriculum, etc.), full and timely information, and other support; outreach, including outreach to limited-English-proficient and hard-to-reach parents; assistance to parents in working with their own child, including addressing needs and barriers parents may face in doing so (such as limited English proficiency); and adequate staff assignment, staff training, and budget to carry out the chosen activities.

We do not propose to tell parents and schools how these issues should be addressed -- simply that they together should assess each of them and design ways of addressing them which speak to local needs. We believe that if schools and parents are given clear mandates to address these issues, they can come up with creative responses. (For example, in Alexandria, Spanish-speaking parents who are English-proficient pair up on a one-to-one basis with those who are not, so that they can translate at parent-teacher conferences and other meetings. Without that, they have to take on faith that the school system is providing the best instructional program for their children, without their knowledge and input.)

(4) **School officials and parents should then jointly evaluate how well the parent involvement is working and take annual steps to overcome barriers to involvement.**

(5) **State and federal responsibilities** -- for technical assistance (including assistance to parents), application approval, evaluation, monitoring and enforcement, complaint procedures, and incentives --

should then be carefully keyed to the local parent involvement provisions. (We also support the funding of parent-governed training centers modeled on those now available to parents of handicapped children.)

Once again, we know that full involvement is a stated goal of H.R. 950, so we will be pleased to work with you to assure that the provisions of the bill will realize that goal.

Other Issues. We commend to you the position statement of the parent coalition and the other child advocacy groups concerning other key issues:

- Targeting and Fiscal Requirements. We are pleased to see the return of comparability reports, the potential for at least some funding of concentration grants, and the provision of new programs targeted to preschoolers and their parents and to secondary school students. Additional targeting improvement should be considered. In the Even Start program, the role of community-based organizations as providers should be addressed.

- Limited English Proficient Students. We welcome the provision in H.R. 950 for the participation of limited-English proficient students who need compensatory education services. The schools must address the full educational needs of these children. Congress must make it clear that the provision of special services focused only on the teaching of English, or only on remedial education, is not sufficient to address the full range of needs of these children. Congress should ensure that these children are served by a coordinated educational program that enables a child to become proficient in English, and meet grade promotion and graduation requirements. (See also my remarks above on limited-English-proficient parents.)

- Children Enrolled in Private Schools. We support retention of provisions for offering Chapter 1 services to children enrolled in private schools, to the extent consistent with constitutional requirements and with meeting the programmatic, eligibility and targeting, and nondiscrimination requirements (and application of the latter to programs for private school students should be made explicit). We would support funding for capital costs to serve these children only where there is no reasonable alternative.

We strongly urge increased funding, both to serve the currently unserved who are eligible and in need of this important program and to do a better job of carrying out the responsibilities above. At the same time, it is unacceptable to say that our proposals for ensuring program quality and parent involvement will not be addressed unless additional funds are first found. Programs which do not do this kind of integrated planning or which are not responsive to parents are simply not making the best use of precious dollars. Particulary given that, in contrast to some other federal programs, Congress funds the full cost of whatever Chapter 1 services are provided, it has a right and responsibility to insist on these minimal requirements for assuring that the funds are well spent.

There are Chapter 1 programs that work, and I would like to share with you a letter from a former Chapter 1 parent from Jefferson Parish Louisiana to the parent coordinator, explaining both what the program and the district parent council organization have meant to her and her son. (Letter attached.)

Congress now has an opportunity to be genuinely effective in the education arena by ensuring that program quality is spelled out in a clear mandate, and further ensuring that parent involvement be an implemented reality at local levels, not just a policy.

The National Coalition of Title I Chapter 1 Parents' Board of Directors and members respectfully ask the Congress to pass Chapter 1 legislation that will ensure academic and social achievement for all of America's children.

Thank you.

Exhibit II

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CHAPTER I

August 15, 1986

Dear Mrs Byes,

With this letter I would like to express what you and this organization has meant to me.

Three years ago I was what I considered an insignificant person registering my son into school. Little did I realize that I too would begin to grow in ways that I never dreamed of. My first knowledge of Chapter I was thru a worker called Glenda Austin who at every PTA meeting made herself available to the parents. And the speakers she introduced at each meeting would fill me with excitement and the urge of wanting to know more. As my son began his second year in the chapter I program I felt the need to dedicate more time to him and to knowing how to help him. Every meeting that I attended, I tried to absorb as much as I could and when I met the Co-ordinator of the program. I aspired to reach at least 1/16" of an inch of her stature. Your wisdom, intelligence, and loving personality, dedication to the children [illegible] inspired me to try to reach out to parents and share my feelings of how important it is for our children to succeed.

And it was this inspiriation that has given me the drive to succeed in all aspects of my life.

My son now no longer needs the chapter I services. The Program works he is now at his correct level and can keep his own with my help. Just as he has graduated from the program I feel that I too am graduating. From a shy insignificant person: I feel I have grown and aquired the knowledge to help my children. and the Lord has seen it fit to permitte me to work with Project Head Start where I will assist in teaching pre-schoolers. I assure you that all that I have received from chapter I will be shared with all the parents that I will come in contact with.

In my heart you and all those that I met thru your program will alway be very dear to me. I pray that God Bless each and everyone of you richly. And the he give you the strength, health and stamana to continue the program for all those children now entering the program. The Lord Keep you and Bless you always. Thank you for giving so much of yourself

Alway greatfully yours
Esperanza S. [illegible]

POSITION PAPER ON

REAUTHORIZATION OF CHAPTER 1
OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

DEVELOPED BY
CHILD ADVOCACY GROUPS:

ASPIRA of America
Center for Law and Education
Children's Defense Fund
Lawyers' Committee for Civil Rights Under Law
Mexican American Legal Defense and Educational Fund
National Association for the Advancement of Colored People
National Coalition of Title I Chapter 1 Parents
National Committee for Citizens in Education
National Community Education Association
National Council of La Raza
National Network of Runaway and Youth Services
National Urban Coalition
National Urban League
Project on Equal Education Rights of the NOW Legal Defense and Education Fund

February 1987

The above child advocacy groups are pleased to transmit their views on the reauthorization of Chapter 1. These organizations have long been devoted to assuring that Chapter 1 (formerly Title I) meets the educational needs of the most educationally disadvantaged students in schools with high concentrations of poverty and that the parents of Chapter 1 beneficiaries are genuinely involved in the design, implementation and evaluation of the program.

Advancing equal educational opportunity is the preeminent federal role in education. All children in need should have the right to be served. Obviously, this takes money, and we strongly support increased funding for that purpose. We do not presume to know exactly what is the best mix of federal and State financial responsibility for serving all children. What we do know is that children should not pay the price. The answer to the question of which level of government should pay to close the gap cannot be "neither." When the debate turns to what we can afford, let us recognize that we cannot afford to deny children the services they need to thrive in school and master the basics of a quality education. The long-term social and economic costs to our society and our children which result from such denial are too dear to pay. The Congress came to that recognition eleven years ago for handicapped children. It is time to do so for all at-risk children -- especially those who by reason of poverty are less likely to make their presence felt in the halls of Congress.

As we have approached the reauthorization of the federal compensatory education program, we have asked ourselves this question: "Is Chapter 1 helping poor children?" Our answer is: "Yes, but it could do much better."

In the past two decades the federal investment in compensatory education for poor and disadvantaged children has had ambitious intentions but only modest financial support. Even with increased appropriations, resources have been far short of what is required to make a substantial difference in the educational achievement of disadvantaged students. Furthermore, the disadvantaged student population is growing at a faster rate than the rest of the population and the number of children in poverty has increased by approximately 20% since Title I was reauthorized in 1978. The National Assessment of Chapter 1, mandated by Congress and conducted by the Office of Educational Research and Improvement, provides compelling evidence that concentrations of school poverty and low student achievement have, in the aggregate, a stronger association than an individual child's financial circumstances and educational performance. It is also clear that more effective and efficient use of existing federal resources could be obtained.

As advocates of meaningful parental involvement, we are heartened and reconfirmed by the accumulated evidence and widespread recognition that involving parents in the education of their children does improve a student's academic performance. We are not satisfied that either Chapter 1 or its predecessor Title I ever succeeded in furthering this objective which is so essential to accomplishing the goals of the program. With the cooperation of committed local and State educators, we believe that the forthcoming reauthorization of Chapter 1 can devise workable statutory requirements toward this common objective.

Above all, we urge the Congress and the Administration to use reauthorization to set higher expectations for the federal investment in compensatory education. No longer should we be satisfied that Chapter 1 students make the same rate of gain as their non-disadvantaged peers. At that rate, Chapter 1 students will never close the achievement gap.

The overriding goal of Chapter 1 must be to assist all educationally disadvantaged children so that they can succeed in the mainstreamed instructional program provided to all students. This is a tall order, we recognize. But only by setting higher standards will the Nation ever succeed in fulfilling its promise to all its children.

It is in this spirit of improving and strengthening the original intent of the program that we forth basic principles for reauthorizing the legislation in the 100th Congress. In some areas we have refrained from offering detailed suggestions until we have the benefit of the research conducted by the Congressionally mandated National Assessment of Chapter 1. Our proposals are grouped by area: program quality, parent involvement, targeting and fiscal requirements, limited-English-proficient students, children attending private schools, and other State and federal responsibilities.

PROGRAM QUALITY

A major focus of reauthorization must be improvement of the quality of Chapter 1 programs. Current law requires that programs be "of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special education needs of the children being served." Yet program effectiveness has not received the same degree of attention that has been devoted over the years to fiscal compliance. A program that meets all the standards for supplement/not supplant and comparability but which fails to overcome educational deficits is not, in our view, a successful Chapter 1 program, nor one that should continue to operate in its present form.

The basic Chapter 1 law remains the framework for our proposals for program quality. The 1978 Amendments, Section 124, spelled out requirements for assessing educational need, planning, coordination, evaluation and dissemination of information as essential ingredients to enhancing the quality and effectiveness of programs supported by Chapter 1. We propose that Congress adopt a focus on program quality which integrates all elements of local, State and federal requirements.

Local Agency Requirements

Each local educational agency participating in the program should set forth a plan for program quality, as a part of its Chapter 1 application, which delineates in clear terms how it proposes to overcome the educational deficiencies of the children served. The following should be the basic principles to enhance the quality of every Chapter 1 program.

1. The goal of Chapter 1 should be to enable students to succeed in the mainstream educational program -- that is, **to master the same skills and concepts expected of all children at their particular grade in the school system.** Chapter 1 should not be a program which tracks students toward unequal educational achievement or establishes and then ratifies lesser expectations for educationally disadvantaged children.

2. The local plan should set forth such goals, developed with parents, for the Chapter 1 program with sufficient specificity (in terms of the actual mainstream skills and concepts expected of all) to allow measurement of progress and provide for necessary changes. It must include an annual assessment to identify those children who are not achieving the mainstream goals; show that the students most in need of assistance have been selected to participate in the program; and determine with sufficient specificity their strengths and weaknesses in relation to the goals. The local plan should demonstrate that its educational strategies, deployment of resources, staff training, and assignment of responsibilities are adequate to accomplish the

goals established for all participating children. In selecting educational strategies, the school should examine the Chapter 1 students' entire school program to maximize integration into the mainstream and to modify any features of that program, such as grouping practices, which may be frustrating achievement of the overall Chapter 1 goals.

3. The local plan must assure that there will be an individual needs assessment for all students in the program who have not, at the end of one year, made adequate progress toward mainstreamed achievement. This assessment should conclude with a written student plan, developed with full involvement of the student's parents and teachers, for helping the student to meet the mainstreamed goals set for all students. The student plan should include strategies for involving the parents. Local districts are encouraged to develop student plans for all eligible students if they determine such plans are an appropriate use of program resources.

4. As part of its annual program evaluation, the local educational agency should annually evaluate and report progress made in each Chapter 1 school toward achieving the goals; identify barriers to attaining those goals; and make changes in program services that are designed to overcome those barriers.

5. Essential to enhancement of program effectiveness is the involvement at all stages of teachers and parents of Chapter 1 students. Information on all elements of the local program, including the plan, assessment, and evaluation, must be thoroughly and freely communicated to teachers and parents, and they in turn must be involved in the development, implementation, and evaluation of the plan.

State Agency Requirements

Central to program quality in the Chapter 1 program is enhancing the ability of the states to provide technical assistance, evaluation, monitoring and enforcement of all program requirements. As a part of their administration, State education agencies should develop incentives which would reward individual Chapter 1 schools and teachers that have demonstrated outstanding success in raising achievement of educationally disadvantaged children. State administrative funds should be increased to permit State education agencies to carry out these responsibilities. (We propose, above, significantly increased overall funding, so that this will not result in a decrease in funds for local programs and so that in fact local funds to serve more children will be available.)

We urge serious consideration of statutory language which would effectuate the following principles:

1. States should hold local districts accountable for educational results.

2. States must employ incremental measures to ensure that local districts do not continue to operate ineffective programs or programs which fail to comply with other legal requirements relating to program quality. We recognize that some states may now have the capacity to fulfill this requirement.

3. State agencies must be held responsible for assessing the adequacy of the local education agencies' plans for program quality to the same extent that they determine the application's compliance with other requirements. The State should ensure that the local application documents compliance with the requirements for parent involvement and program quality prior to approving it.

4. The State educational agency should have a comprehensive program to provide technical assistance to local educational agencies on each of the program quality requirements. The SEA must be able to provide information about successful Chapter 1 programs as well as proven strategies for program quality. Greater levels of assistance should be provided to local educational agencies experiencing difficulty in developing programs of high quality. A specific portion of State administration funds must be utilized for State technical assistance, both to local agencies and parent groups.

5. State educational agencies must develop their own capacity for evaluating how well local programs have incorporated and implemented the elements of the required local program quality plan and the extent to which Chapter 1 programs are making measurable progress toward achieving the goals of mainstreamed achievement. The law will have to carefully define the specific responsibilities of State agencies, since the Department of Education has transformed the current

statutory requirement "to conduct" an evaluation into a regulatory requirement that the State merely aggregate unexamined results of local evaluations. Furthermore, consideration should be given to requiring that evaluations be conducted on a fall-to-fall or spring-to-spring basis so as to eliminate the bias produced by fall-to-spring testing.

6. Each aspect of the State's monitoring and enforcement responsibilities should be revised to include specific reference to enforcement of local requirements for program quality.

7. The use of Chapter 1 funds at the local or State level to reward high quality Chapter 1 schools and/or Chapter 1 teachers of proven competence should be a legitimate expenditure of Chapter 1 and Chapter 2 money.

8. The allotment for State administration should be increased from 1% to at least 2%, contingent on the State agencies carrying out the functions described herein. (See above concerning increased appropriations to avoid decreased local funding.)

Federal Agency Responsibilities

1. Parallel to State agency requirements, specific responsibilities for federal technical assistance, evaluation, monitoring and enforcement of the states' compliance with program quality provisions should be mandated. These provisions on monitoring and enforcement would be an integral part of an overall federal scheme of monitoring and enforcement of the Chapter 1 program which are addressed below (see "Other State and Federal Responsibilities").

2. Federal evaluation should also focus both on program results and on local incorporation of the elements of a quality program, described above. In developing these evaluation requirements, Congress should carefully consider: the federal evaluation provisions in the 1978 law (including the set-aside for this purpose); existing requirements in Sec. 417 and 422 of the General Education Provisions Act; the previous requirements of Sec. 1526 of the 1978 law; the federal evaluation provisions in the 1983 technical amendments; the possibility of revising the National Assessment of Educational Progress data to indicate which students

are in Chapter 1; and the possibility of commissioning a longitudinal study.

3. We also recommend that a demonstration project be separately authorized and funded both to assist in improving the quality of the student plans called for in paragraph 3 of "Local Agency Responsibilities" and to study the feasibility of requiring written student plans for all children served.

PARENT INVOLVEMENT

Premise

The family is the first and primary educator of children. Federal education policy should be designed to strengthen the family as a learning unit.

There is abundant evidence that when parents are involved, their children do better in school and their schools do better. It is the right of parents to be involved in education, to be involved in decisions that affect their children, and to monitor the quality of programs serving their children. Accordingly, educators should recognize their obligation to encourage parent participation in all aspects of the educational process, from helping their children to learn, to being involved in the planning, implementation and evaluation of programs.

There is further evidence that unless there are clear mandates and a specific enforceable process, parent involvement programs are not effective. Both parents and educators must know what is expected of them and what the rules are.

Goal

The Chapter 1 law should establish the basic elements of an effective, organized parent involvement program, while at the same time allowing parents and school officials to decide on the specific forms that this involvement should take in their own community. The law should also specify clear and appropriate roles for the State and federal government to play in ensuring effective parent involvement.

Objectives

1. To provide a comprehensive range of opportunities for parents to become involved in their children's education, from working with their children at home, to helping in the classroom, to becoming co-learners with students and teachers, to involvement in basic decisions about how the program should be designed and run. The research is clear that the more comprehensive the parent involvement, the stronger its effect on student achievement.

2. To provide program funds for training parents and teachers on how to build a strong partnership between home and school. A broad range of topics should be covered, including helping parents to reinforce what their children are learning at school, developing a collaborative relationship between parents and educators, understanding the program requirements of Chapter 1, monitoring student progress and evaluating programs effectively.

3. To require use of State and local Chapter 1 administrative funds for outreach, training and education, and support of parent involvement activities.

4. To expand the responsibility of SEAs to provide technical assistance to local districts in developing comprehensive parent involvement strategies, and to monitor and evaluate local efforts.

5. To recognize, reward and document model parent involvement policies, products and programs, and disseminate them to other schools and school districts.

6. To undertake special efforts that may be required to involve "hard to reach" parents in their children's education, including limited-English-proficient parents.

Local Parent Involvement Requirements

As part of its State-approved application, each school district (LEA) receiving Chapter 1 funds should be required to have a plan for organized parent involvement in all aspects of the program. This plan should be developed and implemented on a collaborative basis between school officials and parents, and be formally approved by both parties. Program funds may be used to support all parent involvement activities the LEA and the parents wish to undertake.

Each year, the LEA should hold initial meetings at local schools and at the district level to explain the Chapter 1 program and the LEA's responsibility to involve parents. The meetings are also intended to give parents an opportunity to meet each other and to organize themselves for the purposes of communicating with each other and with school officials. The LEA and the organization developed by parents shall then jointly develop, with formal approval by each, a plan for parent involvement in all aspects and at all levels of the program, which should take the form of a written policy, distributed to all parents. All parents (and students, where appropriate) should be given an opportunity to participate and be heard.

The resulting plan should assess and address the need for:

1. Regular, ongoing meetings of Chapter 1 parents (and students) or groups of parents who are representative of other parents in the program. Parents should be given the opportunity to form their own organization and formulate their own input into the program.

2. Regular involvement of parents, in a timely and informed manner, in decisions on all aspects of program planning, implementation, and evaluation; and timely responses to parent recommendations.

3. Access to information about the program, including plans, applications, guidelines, regulations, evaluations, student assessment data, and budget figures, and access to observe classrooms and other program operations. All information should be made available in languages comprehensible to all parents, and in the case of illiterate or functionally illiterate parents, in such a manner that their lack of literacy or English proficiency does not preclude them from full participation.

4. Annual assessment of parent needs, including needs for training, stipends, child care, transportation, parenting skills, and mechanisms for information and communication.

5. Parent training, including instructional training in how to help their children learn more effectively, and training needed for effectively: understanding all

aspects of the program and its requirements, working with teachers, working with other parents, monitoring student progress, and planning, implementing, and evaluating the program and its curriculum.

6. Reasonable support for activities parents undertake on their own initiative, such as newsletters, parent meetings, educational events, and orientations.

7. Continuous outreach to Chapter 1 parents to help them become more involved, and frequent communication with parents about student progress in general and how their own children are doing.

8. Parent participation (paid or volunteer) in program activities and convenient parent access to the school building and classrooms.

9. Appropriate roles for community based organizations in parent involvement activities.

10. The designation of a staff member at the district level with sufficient time, resources, and authority to assure the implementation of parent involvement provisions. In districts with concentration grants, this person should be full-time.

11. A budget for parent involvement adequate to carry out the activities provided for in the policy.

12. An annual evaluation, with parent participation, of how well parent involvement is working, what barriers exist to greater participation, and what steps need to be taken to expand participation.

State and Federal Parent Involvement Requirements

While the greatest responsibility for assuring adequate parent involvement lies with local school districts, there are important roles for State and federal government to play. The Chapter 1 law should require that SEAs provide:

1. Technical assistance to local districts, and parents in strategies and techniques for effective and comprehensive parent involvement.

2. Evaluation of local parent involvement efforts, as part of the State total Chapter 1 evaluation responsibility.

3. Monitoring and enforcement of district parent involvement plans to assure that they meet the basic requirements of the law.

4. Recognition of model programs and dissemination to other districts.

The federal Department of Education have similar specific responsibilities to assure that SEAs are fulfilling their responsibilities on parent involvement, including providing technical assistance, and to establish thorough procedures for monitoring and enforcing the SEA and LEA requirements. In addition, we recommend the law require that the Education Department:

1. Make a special effort to recognize and reward states and local districts that are doing an excellent job of ensuring parent involvement, through the Joint Dissemination Review Program and other special activities such as recognition programs and grant-making.

2. Provide, through an administrative set-aside, grants to parent-governed parent training centers, modeled on the current practice under the Education of the Handicapped Act (EHA).

TARGETING AND FISCAL REQUIREMENTS

We recommend increased appropriations for Chapter 1 in order to serve all eligible students. At the same time we believe that more efficient and effective use can be made of existing resources so that the most needy students are served. Congress must assure that Chapter 1 funds are concentrated in the school districts and in individual schools with the highest concentration of low-income and educationally disadvantaged children. Schools should use Chapter 1 funds in the most educationally effective manner so that students can succeed in the regular instructional program. While federal appropriations for compensatory education have never been sufficient to serve all eligible children, some states and local districts have increasingly devoted their own resources to these same at-risk students. Congress should recognize and reward states for their contribution to the national goal of equalizing educational opportunity while continuing to maintain the supplementary character of Chapter 1.

To advance these goals, our organizations support the following:

1. Intra-state and intra-district targeting mechanisms must be adjusted so as to achieve a greater concentration of funds in school districts and schools with the highest numbers of low-income and educationally disadvantaged children. In achieving greater targeting, Congress should consider both revising the methods for allocating the basic grants and making major use of concentration grants.

2. Greater use should be made of school-wide projects such as those authorized in current law. Congress may need to reconsider the current poverty threshold of 75%, but we are not prepared to make a specific recommendation at this time. Concentration of more funds on high-poverty/low-achievement districts and schools might be linked to school-wide projects. All students in such schools even if they are not the most educationally disadvantaged would be considered eligible for services. Federal funds would thereby add additional resources to the improvement of the total instructional program, such as dramatically lowering class size. There must be continued requirements that the same average per pupil expenditure of supplemental funds are maintained for each student in school-wide projects as for students served in other schools.

3. In schools with less than the highest concentration, individual students with the greatest need for assistance must be served in programs of sufficient size, scope and quality first before extending services to other educationally disadvantaged children. The most educationally disadvantaged should be served in a manner least likely to remove them from the regular instructional program. Tutorial, after school, Saturday and summer programs are examples of activities that would supplement the regular curriculum while assuring fiscal accountability.

4. The legislation should use the most current available data for determining State and sub-county allocations.

5. Special incentive grants, currently authorized under Sec. 116 of the 1978 law, should be reauthorized and

funded in states which have a program which provides financial assistance to meet the special educational needs of educationally disadvantaged children.

6. All fiscal requirements -- maintenance of effort, supplement/not supplant, comparability of services -- must be retained as currently set forth in Section 558. State and/or local educational agencies should be encouraged to contribute their own financial resources to the eligible Chapter 1 population. Both federal and non-federal compensatory services can complement each other. For example, different programs could serve separate grade spans or separate schools. We favor continuing the exemption from supplement/not supplant and comparability of services for State and local funds which are similar to Chapter 1 and which meet the criteria of Section 131(c) of the 1978 Amendments.

7. The State agency must be authorized to require reporting annually by local educational agencies with respect to the requirement of comparability of services as was required by Title I, Section 126(e), the Education Amendments of 1978.

8. Congress should create appropriate additional funds for a set-aside of each State's basic grant to develop model programs for educationally disadvantaged preschoolers and middle/secondary school students. These groups are currently underserved because there are few models of service delivery.

9. The goal setting and assessment provisions (see paragraphs 1 and 2 of our recommendations for "Local Agency Requirements" under "Program Quality") should operate to assure that local programming decisions and priority setting take into account the needs of educationally disadvantaged students at all grade levels. Decisions to continue primarily to serve elementary school students should at least be reached only after the relative needs of students at all grades (including middle and high school) have been weighed through these processes. In addition, we support the authorization and appropriation of significant additional funds targeted specifically to at-risk middle/secondary school students either through separate legislation or through additional Chapter 1 appropriations. Finally, there should be plans for coordination to the extent appropriate with other federal, State, and local programs serving these

students at various grade levels (including, for example, the Jobs Training Partnership Act). Secondary school programs should also provide for effective student involvement in project design and implementation.

LIMITED-ENGLISH-PROFICIENT STUDENTS

We recognize that the number of limited-English proficient children in need of compensatory education is growing and strongly believe that the unique needs of this population should be addressed by the Chapter One program. Data from the Children's English Services Study indicate that two-thirds of limited-English proficient children do not receive any language support services; census data also indicate that 29.7% of elementary school-aged children who live in a home where a non-English language is spoken live in poverty. Chapter One-eligible limited-English proficient children not only require special assistance to become proficient in English, but require comparable services afforded to other poor and educationally disadvantaged children as well. Because the parents of Chapter One-eligible limited-English proficient children are very likely themselves to be limited-English proficient and poor, special consideration should be given to the needs of these parents to facilitate their involvement in the education of their children.

Therefore, we believe that:

1. Congress must make it clear that the provision of special language programs focused only on the teaching of English is not sufficient to address the full range of compensatory needs of limited-English proficient children.
2. Congress should include statutory provisions for the full participation in all aspects of the Chapter 1 program by eligible limited-English proficient children, regardless of their limited-English proficiency or their participation in other special language programs.
3. Congress should encourage the coordination of compensatory services and language services at the local level.

4. Congress should direct the Department and the State education agencies to develop and provide technical assistance, program models, and other guidance to local education agencies for (a) effectively coordinating special language services with other compensatory and regular services needed by eligible limited-English proficient students, and (b) assuring that the need to become proficient in English is not confused with the need for other compensatory education.

5. Congress should require that data and other information be collected on the number of eligible limited-English proficient children who receive Chapter One services, the nature of these services, the number of eligible limited-English proficient students who do not receive any Chapter One services, and the reasons why so many limited-English-proficient children are not served.

6. Programs which involve parents in the planning, operation and evaluation of the Chapter One program should make the necessary information available to parents in comprehensible languages; and, in the case of illiterate or functionally illiterate parents, in such a manner that their lack of literacy does not preclude them from full participation.

CHILDREN ATTENDING PRIVATE SCHOOLS

We believe that the problems created for private schools participating in Chapter 1 as a result of the Supreme Court's holding in Aguilar v. Felton are not subject to resolution by any new statutory enactments (except to the extent the Court's holding is made part of the statutory language). The constitutional limitations imposed on how and where instructional services may be provided to students enrolled in religious schools will likely continue to be addressed in the courts. We support continued efforts to devise administrative measures to deliver efficient and effective instruction to educationally deprived students enrolled in religious schools within the constraints of these constitutional limitations.

Currently, there are several provisions in Chapter 1 that set out the requirements governing the participation of children enrolled in private schools. We support the retention of these provisions to the extent they are consistent with the provision of quality instruction to students most in need of compensatory education and the extent they are consistent with the following principles:

1. Private school participants in Chapter 1 programs must meet the same programmatic, eligibility, and nondiscrimination provisions that must be met by public school participants.

2. Chapter 1 funds constitute federal financial assistance for the purpose of determining coverage of the civil rights statutes enforced by the Department of Education. For this reason it should be made clear that Chapter 1 programs and activities for private school students must be operated on a nondiscriminatory basis. We believe that this requirement should be made explicit in the legislation.

OTHER STATE AND FEDERAL RESPONSIBILITIES

1. The sections above include recommendations for improving State and federal technical assistance, evaluation, monitoring, and compliance in specific areas, particularly for program quality and parent involvement. In addition, as a necessary complement to those specific recommendations, the overall structure of State and federal monitoring and compliance needs to be strengthened in the legislation. As a starting point, we commend to Congress for consideration reinstatement of the 1978 provisions in this area, including:

a. accountability provisions (Sec. 127, 172, and 173);
b. approval of State and local applications (Sec. 162 and 164);
c. State monitoring provisions (Sec. 167);[1]

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[1] Note also the requirement (in the accompanying regulations) that the State, as part of its monitoring, evaluate and make findings and recommendations concerning "the LEA's or State agency's efforts to assess and improve the quality and effectiveness" of the programs and services. Timelines were set out for sending copies of the monitoring report, the education agency's response, and the State's followup response to the district's parent advisory council, as well as to state and local auditors. (Previously, 34 C.F.R. Sec. 200.51.)

d. State monitoring and enforcement plans (Sec. 171);
e. audits (Sec. 170 and 185);
f. withholding, including compliance agreements (Sec. 169 and 186);
f. a federal policy manual (Sec. 187); and
g. federal enforcement reports (Sec. 188).

The decline in effective State and federal monitoring and enforcement since the elimination of these provisions has been documented, for example, in the Report on Changes Under Chapter 1 prepared for the House subcommittee (September 1985).

2. Congress should assure adequate funds to carry out these monitoring and enforcement responsibilities.

3. There should be effective complaint mechanisms at the local, State, and federal levels so that parents have meaningful avenues for correcting violations and bringing attention to problems in implementation. As a starting point, Congress should consider the complaint provisions of the 1978 law (Sec. 128, 168, and 184).

CONCLUSION

Our proposals for change in Chapter 1 do not represent a change in the underlying philosophy and goals for the program. They do embrace changes which twenty years of experience tell us are needed to assure that Chapter 1 programs better serve those enduring goals -- high program quality to overcome educational disadvantage and promote achievement of mainstreamed educational goals for all; full parent involvement in all aspects of the program; targeting of sufficient resources to those most in need; meeting the needs of those educationally disadvantaged students who are also limited-English-proficient; and ensuring that the State and federal role is both supportive and strong.

Mr. **Kildee**. Thank you very much, Mrs. Northern.

I will address my first question to Mr. Dallam. Mr. Dallam, could you elaborate on your recommendation to clarify how the children of greatest need should be defined? Should it be done by the federal government, the state or by the local school district? How better could it be defined?

Mr. **Dallam**. We have suggested, Mr. Chairman, that a definition that as a beginning definition could be the term educationally deprived shall refer to children whose academic achievement is substantially below that of their peers, according to standards established by the state education agency, accepting that children not yet of school age in a given state may be considered as eligible participants based on criteria established by the state education agency to determine if a child can benefit from an organized instructional program.

The thrust of the definition, Mr. Chairman, would put the responsibility on the state education agency.

Mr. **Kildee**. So you give some parameters in the Federal definition but leave the determination of the exact definition standards to the SEA?

Mr. **Dallam**. Yes, sir.

Mr. **Kildee**. Okay. Mr. Ford.

Mr. **Ford**. Just a minute, Mr. Chairman. He did not say the SEA. You mean the state agency, whatever it is called?

Mr. **Dallam**. State whatever it is called. The normal term is——

Mr. **Ford**. It could be either the state board or the state superintendent or the governor.

Mr. **Dallam**. The term that most frequently appears in the act, Congressman Ford, is state education agency.

Mr. **Ford**. Yes, but that term is one that was used for very obvious purpose, that there is so much difference between the states in the role of the governors, a state agency vis-a-vis the locals. And those of us in the Midwest and West get very excited if you try to push us into the pattern of the old South where governors are dictators and directly involved in education. You will find that over 30 constitutions in the states are like Michigan's that keep the governor's political hands out of education.

Mr. **Dallam**. I cheerfully withdraw the term, Mr. Congressman.

Mr. **Ford**. Well, I have a different kind of concern about it. It is too bad Mr. Quie is not with us because he and I have been up and down this road so many times over the years about testing.

What you are suggesting to me is that if a state looking for a simple and easy way to do this were to devise a mandatory standardized test for all children at every grade level, that they could say to you that whoever tests at X percent on this test will be or will not be a Title I child. Is that what you are suggesting?

Mr. **Dallam**. Mr. Congressman, I believe that that is already occurring in the state of California, who conveyed to me that any definition, for example, that would be used would reflect the fact that in the state of California they plan to use the standardized test.

And I think that you are correct, there is that possibility. And the reason for that is that there are at least 16 states that now in their own quest for excellence in education have developed state remedial funds and they are using state testing. And the school districts in those states uniformly ask that the standards that the state might choose to select educationally disadvantaged children for their own state funding be similar if not exactly identical to federal standards.

Mr. FORD. Well, not all of them are using the testing on an individual basis. They are testing arbitrarily maybe two or three grades of all of the elementary schools, and then on the basis of the relative standing of the children at that grade level, they qualify a school for funds. And they stay away from the idea of identifying through tests of any state-wide significance those who are or are not Title I potential, because obviously the only place you can really find that out is at the local education agency.

Now while it is true that there is nothing at the present time to prevent a state that can convince its local educational people to go along that they should do this, what your proposal would do is have us through the federal law in effect saying that a state, absent a tradition or law in its own constitution and statutory law that gave them that authority, could use this federal statute as authority to impose their idea of what a Title I child is on every local school district in the state.

I am not at all sure that the Detroit school system would like some people sitting up in our state capitol to try to tell them with a great degree of certainty what constitutes a Title I eligible child in the Detroit public schools. I think the people there are better able to make that decision.

What I am suggesting to you is that the nature of your langauge, while it looks at first harmless, opens up for us an old, old fight between local autonomy for school boards and state educational agencies.

And you said something else that caught my attention: That the poor lady in Rhode Island has a state-wide responsibility and only $1400 to travel. I suppose you could take a cab around Rhode Island for $1400. It is pretty hard for me to think of somebody being isolated from one part of the state or another in Rhode Island.

However, ever since 1965 when we wrote the original Title I, we have had people at the state level coming back for more and more of the pot, the very skimpy pot that gets skimpier and skimpier all the time, into state administration. And it got so wonderful that a few years ago we discovered that 80 cents of every dollar for the bureaucracy at the state level in state Departments of Education was coming from federal education programs at a time when we were providing less than 7 percent of the cost of running elementary and secondary education. We were providing 80 percent of the payroll money for the bureaucracy to run education at the state level.

Now that is absolutely crazy, and some of us who were very generous in the early days to get reluctant state superintendents to come along with this program are going to be a little tight-fisted now. If the people in Rhode Island do not think any more of that activity than to provide $1400 and as a result she cannot comply with the law, then we will take Rhode Island's money in Michigan where we are willing to pay our people who work in education, and any other state that wants to do the same. We will say the same thing to Rhode Island that we said to Virginia in 1966.

There were still counties in Virginia that said, oh, oh, we had better not take that Title I money because we finally will indeed have to follow Brown vs. Board of Education. And they said, well, what happens to the money if we do not take it. It is returned to the Treasury.

The following year we changed the law, and we said if any part of Virginia does not want their money, do not give it back to the Treasury; give it to the people who are willing in this country to educate needy kids. That was the end of it. Virginia took its money.

But the states have not got a very good record of being on a voluntary basis really willing to carry out the ultimate purposes of this act. And while I will fight very hard for the local school districts and local superintendents and boards' authority over these matters, I am extremely reluctant when anything we write at the federal level gives a state agency additional power.

The superintendent of schools in the state of Michigan is one of my dearest, long time, 35-year personal friends, has nothing to do with my feeling about the qualifications of the people who have the job. But compared to 25 years ago, states like mine now have an army, as you described it, of people at the state level that did not previously exist. And when you have an army and it gets idle, it has to find a war to fight someplace. So sometimes we see a lot of interference by state officials taking place at the local level that is not necessary.

So I would hope that we can assume that the reason this recommendation came from your group is that they see education from the perspective of a state agency as distinguished from the people actually delivering the service; is that correct?

Mr. DALLAM. Mr. Congressman, it is not entirely correct because this is part of our consensus of the 3,000 local administrators in 36 states who also agreed that it is important to have an important state presence.

And I would only say that Rhode Island gets $225,000 and they always have, which is why they only have $1400 to travel with. And I would say again that the visions that are present in this magnificent bill are visions that can be implemented by writing and speaking and visiting and revisiting the school districts.

One of the problems that you hear earlier expressed with comparability is the fact that it is a complex idea and you just cannot talk about it over the telephone. You have got to go out and visit people and make it very clear to them.

And so what we are suggesting to you is we applaud your vision, but we need just a little bit of money to support that vision and enabling those few state people who are left. Pennsylvania, for example, has five professional running Chapter 1, five. And we get an anticipation of $177 million. We have 500 school districts and I just use that as an example.

We have got to go out and talk and talk again to our school districts three or four times during the year. They are in constant communication with us. We can handle what you offer to us without any additional money.

What I speak for most importantly I believe are the 16 smallest states that get the minimum funds. They are anxious to participate. They want their children in their school districts, Rhode Island has only 40 school districts, that is true, but they have got to be contacted and contacted time and time again to make these visions come true. And they basically—their appearance is very severely limited.

Persons from Rhode Island, for example, do not have enough money to come down here and hear this very important testimony and although the person from Rhode Island is on my executive committee, that person is only entitled to go out of the state once each year to hear the federal government in the fall explain what is going to happen.

And I would say to you that this vision that you have is not going to be as well implemented in the smaller states. If their minimum could be raised just a little bit so they can participate on the same basis as the larger states, I think that would be ample.

Mr. FORD. What I hear you saying is that if the Federal government is going to bother us by giving us money for a problem, then by God, they ought to pay us to take it. Why can you not use your own resources? Do you think for one minute that Pennsylvania would give ups $177 million over the payroll for the five people you mentioned? If we cut out the Federal money to pay those five people, would Pennsylvania leave the positions empty and risk losing $177 million, or would they use their own resources for those positions?

Mr. DALLAM. That is an interesting question, Mr. Congressman. I do not know the answer to that.

Mr. FORD. It is a very good question and I am going to be asking it of a lot of people while we do reauthorization. It is too easy, too easy, and we have just done it with higher education, for people who are working as professionals to say we need a little bit more so we can do a more professional job when those dollars come out of hours of learning available to children. And every time you hire another administrator by shifting money from the local education agency to the state, you have fired another teacher who would be teaching that many more kids, and we have never been able to reach even half of the kids that should be reached in any given year with this program.

So I am very much concerned about shifting any part of the resources as scarce as they are now to any further stretching of administration. If we are going to stretch anything, I would like to take it out of administrator and put it into local classrooms.

I thank you.

Mr. KILDEE. The gentleman's time has expired.

Mr. Hayes.

Mr. HAYES. Thank you, Mr. Chairman.

I would like to direct at least one question to Ms. Northern. Maybe I can make some prefacing remarks. I am particularly interested in the—you do not say it, but there has been some charging of creaming, picking over students that we concentrate on even at the elementary level. I had an opportunity as member of this committee to visit with one of the professors, who teaches at Stanford University, who is particularly interested—he said creaming starts the ostracizing of certain students at about the fifth and sixth grade level.

And I noticed here recently I had an opportunity to visit one of our Air Force bases, and talk with some sixth grade students. They had equipment in one of the sixth graders class, oh, Apple computers, so kids could begin to learn about computers. In my district no such things exists. Naturally I am interested in trying to find a way that we get appropriations of monies. I do not think it can come from the state of Illinois where I come from even though these poor parents put an awful lot of money into the lottery, of which part of it is supposed to go for education, but it is not allocated on the basis of what we would like to see some concentration on economically disadvantaged students.

My basic question is, as you deal with program quality in your testimony, you say the basic Chapter 1 law continues to be the framework for the coalition's proposal for program quality. We believe that the local education agency as a part of its Chapter 1 application should develop a plan for program quality which describes clearly how it proposes to overcome the educational deficiencies of the children serve and achieve mainstream success.

And then you say the local goals for Chapter 1 must be mastery of the same skills and knowledge expected of all children at their particular grade in the school system. Chapter 1 cannot and should not be a program which tracks students toward unequal educational achievement, nor should it establish and ratify lesser expectations for educationally disadvantaged students.

Evidently from what you say in that summation there, this is currently going on under the current program; is that right?

Ms. NORTHERN. Well, I think, you know, in some programs yes, that is going on. And I have to speak personally with my experiences at Alexandria. Those children that are in the Chapter 1 classes, in the Chapter 1 program are typically placed in lower tracks, or in Alexandria they call them phases. They are in the lower-phased classes, and what we are saying here is that Chapter 1 students, the expectations for those students to achieve and to master the skill and knowledge, especially basics and those higher—basic skills and higher thinking order skills should be the same for the Chapter 1 students as it is for any other student in the school, and that is not always the case.

Mr. HAYES. Well, I share your opinion. I just want to know if you have come up with the—how do we correct it under this proposed legislation? Is it a combination of state and federal responsibility to be administered by local authorities?

Ms. NORTHERN. I would say yes, and I would say too that Congress is going to have to describe this, okay. I mean I do not think that you can just say, well, you know, we want this program. We want all children to—locals to establish goals or plans or whatever to ensure that all children achieve. I think you are going to have to make it clear in the legislation, and I think that it happens at the local level. I think that the state and federal role is to monitor and evaluate what happens at that local level.

Mr. HAYES. I note that both you and Mr. Dallam are supportive of H.R. 950. You are suggesting though that we should come up with some language to clarify these areas where you consider them now to be deficient.

Ms. **Northern**. That is true.

Mr. **Hayes**. Is that right?

Ms. **Northern**. That is true.

Mr. **Hayes**. How do you feel about that, Mr. Dallam?

Mr. **Dallam**. I think that it might be necessary, again this gets back to the state responsibility and its ability to administer the program, and in those states that believe firmly in parent involvement and carry it out, I do not think you are going to have nearly the problem that you may anticipate. Some other states may need a little further assistance in the form of clarifying regulations as to what is actually going to happen.

Pennsylvania, as a typical state, 60 percent of our school districts maintain parent advisory councils, although they have not been required for year, because they see them as very useful communication devices. This is not the case in every state.

Mr. **Hayes**. But for those states that may not necessarily believe in parental involvement, on the other hand may not necessarily believe that we should extend quality education to all, you know, particularly to the economically disadvantaged of the Chapter 1 students.

Do you feel that we may have to add some language to the current proposed H.R. 950 for the Federal government to take a greater responsibility in the administration of——

Mr. **Dallam**. Even as an administrator, and this may sound unbelievable, I am basically for fewer regulations rather than more. And I really favor more wise and compassionate and humane action by the states, probably supported by the federal government. And it can support that through the kinds of reviews that they give our administration of the program and can particularly focus on parental involvement.

Or you could look more closely at the parent involvement section of the law and decide to clarify that a little bit.

Basically the consensus of the 3,00υ school administrators what that the compulsory pack that was involved in Title I and the regulations that went along with that pact basically were counterproductive in a number of states. That is one thing we are working on.

Mr. **Hayes**. Thank you, Mr. Chairman.

Mr. **Kildee**. Mr. Sawyer.

Mr. **Sawyer**. Thank you, Mr. Chairman.

I was particularly interested in that line of questioning because one of our colleagues in an earlier session suggested that the parental involvement language in H.R. 950 might be too prescriptive, particularly in those states where the mailboxes are punctuated by long intervals of waves of grain. What I mean is, is there a point at which we may be imposing an undue burden on parents to have that kind of involvement?

My question really does not address that issue. Rather, it addresses the point made by Mr. Hayes. Mr. Dallam, could you revist for us the defini tion that you thought was appropriate for Chapter 1?

Mr. **Dallam**. The definition appears in the summary of comments which was attached to my testimony, and it reads as follows.

Mr. **Sawyer**. Could you point it out for me? I would appreciate it.

Mr. **Dallam**. Point you to it?

Mr. **Sawyer**. On what page does it appear?

Mr. **Dallam**. Basically, I am referring to—of the bill, I was referring to page 30, lines 18 to 24, and my suggestion was that in the definition section perhaps a definition might be placed.

Mr. **Sawyer**. The point that I am trying to make is that your definition implies a level of academic achievement that is substantially below that of their peers according to the standards established by the State Education Agency.

Mr. **Dallam**. Yes, sir.

Mr. **Sawyer**. And that Ms. Northern is suggesting a defined goal that encourages the mastery of the same skills and concepts expected of all children, at their particular grade in the school system. And that goal definition seems to establish a specific set of objective standards, whereas your definition seems only to require some threshold of deviation from a standard pegged on the achievement of other children.

Could you comment on whether or not you see a conflict there—and which side ought we come down?

Mr. **Dallam**. My impression was that she was talking about the same thing but in a different way. The greatest difficulty we have with the 49th percentile as a threshold, which is presently existing in the law and which is presently enforced in all states in a different way, is that a given child on any given day might be below the 49th percentile and above the 49th percentile and be ineligible.

So what we are basically saying to avoid that particular problem and make it very clear to the states so they can administer the programs and so the auditors can understand who should be in and who should be out, we should back down from that 49th percentile to some certain level in which we can say with a reasonable amount of certainty that the children are below this level by a measure or a collection of measures selected by the local school district.

I think the Section 114 that exists in H.R. 950 very wisely says the local school district should have the prerogative of a collection of, or a selection of instruments to determine who is educationally disadvantaged.

And if we could come to a definition that is below the 49th percentile, then the district would have some freedom to use a selection of instruments to determine who in their district would actually be educationally disadvantaged.

Mr. **Sawyer**. But wherever that threshold might be pegged.

Mr. **Dallam**. Yes.

Mr. **Sawyer**. Wherever that is you clearly come down on the side of performance however measured by however many different instruments——

Mr. **Dallam**. Right. Criterion performance would be perfectly sensible.

Mr. **Sawyer** [continuing]. That is pegged on a standard of performance established by an entire population as opposed to establishing a set of specific skills and concepts that are quite apart from whether 20 percent mastered those skills or 80 percent, or only 50 percent in a particular school district have failed or achieved those specific——

Mr. **Dallam**. It is possible, Mr. Congressman, to equate criterion reference tests and the performance level of skills with some kind of national standard.

Now we are presently using the normal curve equivalent which is a statistical measure designed to take the raw scores from a number of tests, including criterion reference tests, and put them into a standard that can be considered by Congress relating to the general success of the program or not in a given state or in a collection of states.

Mr. **Weckstein**. If I could speak to that.

Mr. **Sawyer**. Sure.

Mr. **Weckstein**. I think what the coalition is suggesting in terms of the definition of educational disadvantaged is that it is primarily a local issue. That it be based, as you say, on first defining the skills and knowledge expected of all students of that grade level by the whole school community, including parents. And then the definition of educational disadvantages is students who are not achieving in that way.

Now which of them get served, which of those eligible children get served is a different matter because, in part, while right now there is not enough money no matter how you define it to serve all eligible children, we are in favor strongly of continuing requirements to serve those most in need. And by our definition that would be the children who are furthest away from mastery of those skills.

There are inequalities from one district to another which were alluded to earlier in terms of in one district they may be able to serve students who are at, you know, only 5 percent variance from that, whereas in another district they can only serve if they are going to focus their funds properly, only to students who are 30 percent below that. And that is a separate problem.

Mr. **Sawyer**. It seems to me that that is a very clear distinction, as opposed to the one we have been using in this discussion up to this point. That definition targets educational disadvantagement. The other is used to target limited available resources to address that problem. But it is critically important that we not confuse educational disadvantagement with failure to achieve according to a floating peg. And I think perhaps that is the critical point of Ms. Northern's testimony.

Thank you.

Mr. **Kildee**. Mr. Richardson.

Mr. **Richardson**. Thank you, Mr. Chairman.

And I apologize if this question does not track with the testimony earlier. I was not here. But I am somewhat confused about your answer on the issue of the appropriate state, local and federal role on parental involvement. In the position paper that I think Ms. Northern endorsed of the child advocacy groups, it talks very clearly about states should hold local districts accountable for educational results, dropout programs, et cetera.

In your statement on—in your prepared statement, you state that Congress should specify clear and appropriate roles for the state and local government to ensuring effective parent involvement. And when asked what parent involvement was, you mentioned child—parent advisory groups. Now I have two questions.

One is could you more closely specify, perhaps both of you if you concur, what is the role, what is the lead role, what is the mandate out of this legislation that you would like to see in terms of parental involvement? And then secondly, I would like to know if you believe there are any other initiatives beyond that taken by the advocacy, the advisory groups?

Ms. **Northern**. Well, you know, I do not know if I mentioned parent advisory groups or councils. I said that parents—an organized parent component, and that would be left up to parents as to who they wanted to organize or what they would deem these organizations to be.

I think the important thing that we are looking for in parent involvement is that parents have the right to exercise their rights as parents, all right, and have that right to organize themselves, have the right to be a part of developing policies, be a part of the implementation processes that go on in the school districts and that type of thing. And we are not saying that parents will do this alone. We are saying that parents and school officials jointly will be involved with the planning and implementation of plans, programs, goals and that kind of thing.

Mr. **Richardson**. Okay. Now what about the Federal versus the state role? Who has the lead and how should that work? Either one of you. You may not have the same view.

Mr. **Weckstein**. The basic proposal of the coalition and the other advocacy groups is that it starts at the local level. That it basically is up to the locals as to what parent involvement looks like, where the emphases are, the different mechanisms, but that it be something jointly developed by an organized parent body and the school, and that it has to address certain minimums that we know from past studies and experience are critical for parent involvement. Things like adequate information and training.

The role of the state and the Federal government is then to make sure that there has been compliance with process for the development of that which is fairly straight forward; that there be technical assistance to both schools and parents on how to better to do that; and that just as there is a local evaluation how are we doing on parent involvement this year, what worked, what did not work, what were the barriers, how can we improve, that there also be some state and Federal role. Basically that parent involvement and the program quality issues be taken as seriously in whatever the Federal and state structure is as having the fiscal requirements been.

There may also be a need for certain things like we would suggest consideration of funding of parent training centers similar to the one that you funded under the Education of the Handicapped Act, which we believe have been very effective.

Mr. **Richardson**. Dropout rates among those that do not speak English, or have difficulty with English, I am thinking specifically of hispanics who have the highest dropout rate among minorities, and there are others with difficulty, other children with difficulty in the English langauge. Should we target some special attention to those disadvantaged students? In essence, what you might be doing is splitting off the disadvantaged, the different minorities. Black children, for instance, langauge is not as much of a problem as it is for some of the other children that perhaps have come in. And now that we have this new immigration law, I expect a substantial number of additional hispanic children.

Should we target any program specifically to them, or should we treat the dropout prevention issue parental involvement across the board for all the disadvantaged?

Ms. **Northern**. What we propose in the child advocacy group position paper and in my testimony, you will see that we too are concerned about the Spanish-speaking children and their parents.

Now what we are saying is that the Chapter 1 program should be there for these children. However, it should not take away from the regular program the other kinds of programs that are established in school districts for these students. So we do not see ourselves as separating the children out, no, from the program, or saying that the children cannot be a part of this program if that is your question to me.

Mr. **Richardson**. I have looked at the hispanic dropout rate and it increases. It is not getting any better, but it is increasing larger proportionately than other minority children. And I do not know what the statistics are for Vietnamese and many others. But I am wondering whether, in effect, you know, by across the board treating everybody, we are not perhaps dealing with it the most efficiently and effectively as possible. I do not know the answer. I am asking you. I just see continuing problems and I think this bill is a step in the right direction.

But I wonder if we have not been creative enough to see if there are some other solutions other than saying, you know, we need more resources, we need more funds. I realize that is always needed, but I wonder if we have put our best thinking to solve this issue.

Mr. **Weckstein**. Well, I think we see three issues there. One is the Chapter 1 program itself is, or where it is not should be flexible enough to address the different needs of different children, and that is part of why there is a proposal for student plans for certain students who have not been achieving in the program, because different students have different needs and strengths. They should be measured against the overall goals for everybody though.

Second, Chapter 1 cannot be a substitute for meeting the other requirements and the other entitlements to which limited English-proficient students are entitled, and we know that indeed as a nation we have not done all we should be doing to overcome the barrier imposed by limited English proficiency as Title VI requires.

Third, we do support the secondary school program in H.R. 950 and think that that is a step in the right direction and that is a somewhat different program and does address issues of dropouts.

Mr. **Richardson**. Thank you, Mr. Chairman.

Mr. **Kildee**. Thank you, Mr. Richardson.

Ms. Northern, your proposal, as I read it, for a specific parental involvement comes somewhat close to the IEP modality which we have for our handicapped children. Would you care to comment on that? And maybe, Mr. Dallam, you could comment too as to——

Ms. **Northern**. Well, there are some differences. Our proposal speaks to student plans which in essence develops a partnership between that student, the parent, the teacher, so everyone is on the same wavelength so to speak. But it does not present, I think with IEPs and under P.L. 94-142 you have the psychologists and those kinds of professionals. We are not really speaking to that. But what we are speaking to is the parent, the teacher, the student, there are goals set and objectives to reach, so on and so forth, and they all understand what the overall instructional program is for that specific student. You are aware of the strengths, the weaknesses, those things that need to be taken care of immediately to ensure that this child is going to be able to progress. You will also be able to look at those things that will take place in the long term within this plan.

So while it may draw upon those IEPs that are in P.L. 94-142, there are some differences.

Mr. **Kildee**. Mr. Dallam, do you care to comment on that proposal?

Mr. **Dallam**. Yes, sir. There is a striking difference between the operation of the Chapter 1 program and the special education program where IEPs are very effective. In special education, they deal very usually on a one-to-one basis. Chapter 1 deals most usually and most effectively in small groups of five or six children at once who have somewhat similar difficulties. And under those circumstances, local school administrators tell us it is not appropriate to have an IEP.

Now there is basically another factor to bring to your attention. We have observed our fellow administrators in special education and note that the extensive use of the IEP has resulted in some school districts in practically endless arguments between the parents and the schools over what was happening to individual children. And we observed that very closely and hope that that does not happen to Chapter 1.

That basically we do not feel that the IEP will assist our program as such. We do think there should be close attention paid to the needs of the children.

Mr. **Kildee**. Mr. Weckstein, do you have any comments in that area, anything to add to that?

Mr. **Weckstein**. Yes. We have found in working with low income parents across both programs that the individual planning in special education has given parents a sense of partnership that has always been very hard to come by in Title I.

We do not believe that what we are talking about is as individualized instruction, that this mandates any particular form of instruction, that it would in any way take away from the notion of whole group instruction. It is an individualized sitting down with the student. Under H.R. 950, under existing law, there is supposed to be an assessment of all the students and their needs and strengths. We are simply suggesting take that assessment and use it so that the teacher and the parent and the student are all aware of every student in that class that needs the plan under our proposal and where they are in relationship to those goals. Any good teacher does that, we believe. Why not make the parent a part of that process.

Mr. Kildee. Mr. Sawyer, do you have any additional questions of the witnesses? Any additional comments before we adjourn?

If not, I want to thank this panel for their very helpful testimony as we reauthorize this legislation, and we will stand adjourned until 9:30 on Thursday. Thank you.

[Whereupon, at 11:41 a.m., the subcommittee recessed, to reconvene at 9:30 a.m., Thursday, March 5, 1987.]

[Additional information follows:]

GAO
United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

APR 6

Mr. John F. Jennings, Counsel
Subcommittee on Elementary, Secondary,
and Vocational Education
House Committee on Education and Labor
Washington, D.C. 20515

Dear Mr. Jennings:

In our March 3, 1987, testimony on the Chapter 1 program, Representative Solarz asked two questions which we agreed to answer for the record. These questions were:

- how many schools in the country are not receiving Chapter 1 funds because they do not meet the threshold (economic need) requirement? and

- how many of these schools have students who would individually qualify for Chapter 1 services even if the institution does not?

The enclosure to this letter contains our response to these questions for inclusion in the hearing record.

Sincerely yours,

William J. Gainer
Associate Director

Enclosure

GAO RESPONSE TO REPRESENTATIVE SOLARZ'S QUESTIONS TO ASSOCIATE DIRECTOR WILLIAM GAINER AT MATCH 3, 1987, CHAPTER 1 HEARINGS

Both poverty and educational needs are considered in determining which elementary and secondary schools and students participate in the Chapter 1 program. However, there are no specific uniform criteria that all state and local schools districts must use. The selection of Chapter 1 participants is a three-step process--school districts identify schools with the highest concentrations of low-income students; then these schools identify students whose performance is below age and grade standards; and, finally, the schools select the lowest performing students for Chapter 1 program participation.

According to the most recent data compiled by the Center for Education Statistics, there were a total of 81,418 elementary and secondary schools in the United States in school year 1983-84. The latest available Department of Education information indicates that there were 45,165 school attendance areas in school year 1984-85 which met the eligibility requirements established by states or localities for participation in the Chapter 1 program. (Of these 45,165 school attendance areas, there were 42,721 school attendance areas which participated.) Accordingly, 36,253 schools (representing about 45 percent of our nation's schools) do not participate in the Chapter 1 program, based on the latest available information.

There are no data available to determine how many educationally deprived students are in the schools which do not meet the economic threshold criteria established for Chapter 1 program participation. However, it is reasonable to assume that there are students in these schools whose performance is below accepted educational standards and could benefit from participation in the Chapter 1 program.

REAUTHORIZATION OF EXPIRING FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Chapter 1 of the Education Consolidation and Improvement Act (Volume 1)

THURSDAY, MARCH 5, 1987

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m. in room 2175, Rayburn House Office Building, Hon. Augustus F. Hawkins, Chairman, presiding.

Members present. Representatives Hawkins, Ford, Biaggi, Hayes, Sawyer, Solarz, Jeffords, Bartlett and Henry.

Staff present. John Jennings, counsel; Nancy Kober, legislative specialist; Beverly Griffin, staff assistant; Barbara Dandridge; Beth Buehlmann, Education Staff Director, minority; Andrew Hartman, senior legislative associate; Jo-Marie St. Martin, Legislative Associate.

Chairman **Hawkins**. The Subcommittee on Elementary, Secondary, and Vocational Education is called to order.

This morning the subcommittee is continuing its hearings on H.R. 950, the bill I introduced with Congressman Goodling to extend and amend Chapter 1.

We look forward to hearing the comments of the witnesses this morning and we have witnesses representing diverse interests in Chapter 1, including those discussing the state agency programs for migrant and handicapped children.

The Chair will call the panel that we have invited and I would request that those panel members assemble at the witness table as their names are called. Ms. Marian Wright Edelman, the Children's Defense Fund; the Honorable Jack Perry, State Senator, New York and Senior Project Consultant Interstate Migrant Education Council; Ms. Timothea Kirchner, Coordinator for Federal Programs, School District of Lancaster, Pennsylvania. She is accompanied by Doctor William Kiefer, Coordinator of Early Childhood Programs. The final witness, Doctor Marc E. Hull, Chief Special Education Unit, Vermont Department of Education.

The Chair would like to welcome the witnesses that we have invited and who have responded. We will not attempt to introduce them with the usual commendatory remarks, but we do welcome them and look forward to their testimony.

May the Chair indicate that the full text of their statements as presented to the committee will be entered in the record at this point and we will ask the witnesses, to the extent possible, to summarize and give us the highlights and leave some time for questioning at the end of the testimony and when all of the panelists have had an opportunity to present their statements.

The Chair yields to Mr. Goodling.

Mr. GOODLING. Thank you, Mr. Chairman.

In this series of hearings we are holding in the Congressional districts and in Washington, we are learning much about how Chapter 1 works and ways which it might be improved. I am sure that the testimony today will give us more insight into what is good and what need to be improved in the programs we're re-authorizing.

I am pleased that the committee will receive testimony on the Chapter 1 state agency programs today. These are important federal programs that merit our attention and support.

I want to welcome Mr. Perry. He, Bill Ford and I worked very close together and I am happy to have him here today.

Particularly, he will be dealing with, I suppose, the migrant part of it which is very near and dear to Senator Perry as well as Congressman Ford and myself.

I am looking forward to the testimony of Marc Hull on the Chapter 1 handicapped programs in Vermont. Of course we have Timothea here, who goes by Timmy, I believe, from Lancaster and Marian Wright Edelman.

I am very happy to have those before us and, as I said, these hearings are very fruitful because they are telling us what is good, what we need to improve and how we can go about doing that. So, when we're all finished, hopefully, we'll have the bills that everyone will like.

Thank you, Mr. Chairman.

Chairman HAWKINS. The Chair would particularly like to lead off with Mrs. Edelman, a personal friend who always responds to our requests, and, Mrs. Edelman, it's a pleasure to have you responding again and we look forward to your testimony.

STATEMENT OF MARIAN WRIGHT EDELMAN, PRESIDENT, CHILDREN'S DEFENSE FUND

Mrs. EDELMAN. Thank you, Mr. Chairman.

I want to begin by just introducing Diane August who is the Children's Defense Fund Education Specialist who will answer any hard questions you have got and I want to thank you for your leadership for so many years, and I am just delighted that you are presiding over this reorganization process.

The Federal Government must take steps to insure that less advantaged children have access to the same educational opportunities as their more advantaged peers and I just want to emphasize, with a little data, this morning, how important this bill is and how important the development of basic skills are to self sufficient young people.

Nearly half of all poor youth have reading and math skills that place them in the bottom fifth of the basic skills distribution and more that three-fourths of all poor youths have below-average basic skills.

The combination of poverty and weak basic skills accounts for virtually all of the racial disparities in teen child-bearing rates and in the Children Defense Fund now, we are terribly preoccupied with how we can prevent teen-age pregnancy and we are beginning to understand, from the new data, that the single most important thing we can do, beyond preventing poverty, is to provide young people with good, basic skills.

Young women, teen-age women, with below-average basic skills, who live in poor families where the white, black or hispanic are 6 times more likely to have children than young women with above-average basic skills residing in non-poor households.

Fewer than one in 20 young women with above-average basic skills and above-average income have given birth to a child in contrast to one in 5 young women with below-average basic skills and below poverty income.

If we are serious, as a nation, about preventing teen age pregancy, infant mortality, welfare dependency, that we spend so much time talking about, unemployment and bolstering national productivity, we must invest now systematically in upgrading the basic skills of all children.

A UCLA professor has estimated that in 1985 the total life time earnings loss for the drop outs in the high school class of 1981 alone, will be a staggering $228 billion with an approximate tax revenue lost of $68 billion.

To begin to regain these lost billions, we need a comprehensive ban on child poverty as well as on the arms race, that is draining the daily life blood of the young and the needy.

Chapter 1 is the Federal education program designed to bolster children's basic skills and it has been successful. The results from many studies indicate that Chapter 1 has helped raise academic achievement levels of enrolled students, and the 1985 Congressional Budget Office Report states that despite this success, in real terms, the 1985 appropriation for this program is roughly 29 percent lower than the 1979 appropriation. The real funding per poor child has declined even more markedly. In 1983, the last year for which data on the number of children in poverty are available, real appropriations, per child in poverty, were 53 percent of the 1979 level.

As a result, despite its success in 1985, Chapter 1 served only 54 students for every 100 poor school age children. In 1980, the ratio was 75 to 100. I want to just state our first priority and one of the most important goals for this committee to deliberate about is on the funding level of Chapter 1.

Now I know there are all these folk who go around talking about we can't solve social program problems or problems by throwing money at them. We're not proposing that. We're proposing that we invest in success and I don't think that the nation can afford not to have eligible children in Chapter 1 trying to get the basic skills that they deed.

As we hear all this debate about welfare, the clear thing that comes through to us is the most important thing we can do about welfare is to prevent it because it's clearly so problematic and so costly to remedy the effects of neglect and of the lack of basic skills and with women welfare mothers who have an average achievement level of 6th grade. The single most important thing you can do about welfare this year is you reauthorize this program, and try and see if you can get as many children in it and we estimate that for about a half a billion dollars a year, $500 million a year, we can, if we do that, systematically each year add on a half billion dollars, that by 1992, we could serve all eligible children.

I do hope that this committee is going to set a goal and try to see if you can't move toward that goal, incrementally, each year. Ultimately I think we will be investing, in the short term, money that will yield us great results, in the long term.

Second thing I want to talk about is the importance about targeting. We have been working with an ad hoc coalition of a number of child advocacy organizations who have already shared their views with you. I want to highlight in addition to the funding level, a few of the issues.

The first of which is targeting. The first report of the National Assessment of Chapter 1 documents that high concentration of poverty negatively affect the achievement of students regardless of their individual economic circumstances. These findings suggest that resources should be concentrated in school districts and individual schools with the highest concentration of low income and educationally disadvantaged children.

However, 90 percent of all local educational agencies currently receive some Chapter 1 funds. Similarly, we would like to see better targeting on those children who are most needed, the preschool, secondary school children, limited English proficient children who need the extra help, we would love to see you tighten up the targeting provisions

We like the concept of your Even Start Program, we like your new initiative, the secondary program for basic skills graduate; 4 times more likely to be out of work and out of school; and 4 times more likely to be forced to turn to public assistance or welfare.

So we really do hope that you will bear this in mind as you try to strengthen the provisions and try to move toward providing for full participation in all aspects of those young people who are at the secondary level and we want to remind you about the importance of English language proficiency and the importance of that for certain groups of children in our society.

We also hope that the Congress can do something to improve the data on limited-English-proficient children who receive Chapter 1 services. We don't know how good these services are. We don't know the number of eligible limited-English-proficient students who do not receive Chapter 1 services and the reasons why they're not served and that data base would be of great use to us in figuring out what we're doing well and not so well.

The second major area that I just want to stress is fiscal requirements and how we can tighten up the accountability in this program.

Under Title I, local and state spending per pupil had to be roughly comparable among all district schools. In 1981, Chapter 1 and its implementing regulations modified the comparability provision and eliminated specific annual improvement, we would like to see you bolster, in your Even Start Program, the teacher training provisions so that teachers really are trained to work effectively with parents and with pre-school children and their parents and teacher training should be a program element and not just required as part of the documentation.

We also hope that you would encourage consultation with parents in the development implementation and evaluation of these programs.

We have a number of specific suggestions for strengthening what we consider your very good initiative in the secondary school program. While 70 percent of all elementary schools receive such funds, only 36 percent of the secondary schools receive such funds. By the time young people have reached the end of their teen age years, I have already alluded to this, poor basic academic skills sharply increase the likelihood that they will face a diverse range of problems in attempting to make the transition to adulthood.

And again I want to come back to what we're now learning about the effects of the lack of good reading and math skills.

Youths who, by age 18 have the weakest reading and math skills when compared to those with above average basic skills are 8 times more likely to bear kids out of wedlock; 7 times more likely to drop out of school before graduation. The variance allowed between spending on Chapter 1 and non-Chapter 1 schools was increased from 5 to 10 percent. School districts were only required to file a written assurance with state education agencies that they had established policies to maintain equivalent student staff ratios, salary expenditures, school materials and other things required under the Act.

According to a recent GAO report, at least 30 states have relaxed the variance requirement and allow up to 10 percent variance—up to a 10 percent variance. Although most states continue to require districts to maintain documentation to prove comparability there are no specific reporting requirements and infrequent monitoring which makes it difficult to assess whether comparability is in fact being maintained, and we have a number of specific suggestions for how that area might be strengthened.

The third area that we think is important is parent involvement and we have a number of specific suggestions for how that can be bolstered. We appreciate the Chairman's efforts to strengthen the regulations on parent involvement in the face of the Administration's resistance to such efforts, but we do have a few major concerns with the bill as introduced.

For example, while the bill calls for written policies on parent involvement, parents are given no role in developing those policies.

Second, there is a list of activities which such policies may address, but no requirements at all that any of them be addressed.

Third, you call for an annual parent meeting, but fail to set out relationship between that meeting and the development of parent policies and ongoing parent involvement activities and we are very much concerned that we don't want one shot activities in the course of the year and then we see you again next year and we do have a number of specific provisions on that.

And fourth, they're not the kind of specific Federal and state responsibilities needed to assure an improved local implementation of the parent involvement provisions.

We do, and I won't go into it further, but we do urge a number of ways in which we can tighten it up because, obviously involving parents in the education process of their children is one of the most important things we can do.

The last area I want to address is program quality. Chapter 1, like Title I before it, have required that programs be "of sufficient size, scope and quality to give reasonable promise of substantial process toward meeting the special educational needs of the children being served."

Program quality and effectiveness should surely be the bottom line. The first report we ever did, when we went into business as a Children's Defense Fund was on Title I, was to help poor children, we found that the money was going to everybody except poor children and they were being held accountable for programs and standards that were, in fact, not reaching them.

We want to make sure that, in fact, the children this Congress is intending to help get those services and that the quality of what they get is of such that we can really see a difference in their lives. Yet little has been done before now to focus on the program quality requirements and to insure that other provisions are carefully drawn to support it. We think it is now time that program quality be given the kind of attention that it deserves.

We propose a series of amendments to the bills which would include setting goals for those skills and knowledge which the school community has determined that the children, being served by this program, should know and should be able to do. We would like to see the development of a local education program plan in which student assessment, selection of educational strategies, allocation of resources and responsibilities and appropriate program evaluation are directed toward achieving those goals and thirdly we would like to see some tying together of all aspects of state and Federal responsibilities, again, in trying to further the local capacity to implement the program goals and the program quality provisions to make sure that our young people are going to be able to function in a mainstream way.

I won't go into these in detail, but again they are included in the written testimony. But, I think that the bottom line, their program instruction, program quality of an individualized approach to these young people must be reflected in the kinds of responsibilities we lay out in this law, both at the state and at the Federal level.

I think that our proposals, that you will see in our written testimony are consistent with what has been learned about school effectiveness. High expectations can be achieved if they're clearly articulated and communicated to everybody involved. If they are adopted by all those working on behalf of disadvantaged children and the school district and if they are supported by strategies and regular evaluation designed to see that they are, in fact, being achieved.

So, we look forward to working with you in this reorganization process. We can't think of a more important set of issues to be addressing at this time in our nation.

Chairman HAWKINS. Thank you, Mrs. Edelman.

[The prepared statement of Marian Wright Edelman follows:]

Children's Defense Fund
122 C Street, N.W.
Washington, D.C. 20001

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TESTIMONY OF

THE CHILDREN'S DEFENSE FUND

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

EDUCATION AND LABOR COMMITTEE

HOUSE OF REPRESENTATIVES

HEARING ON H.R. 950

MARCH 5, 1987

Presented by

MARIAN WRIGHT EDELMAN
PRESIDENT
CHILDREN'S DEFENSE FUND

MR. CHAIRMAN:

I am Marian Wright Edelman, president of the Children's Defense Fund, a privately-supported public charity that for nearly 15 years has sought to serve as an advocate for poor children and their families. CDF's goal is to educate the nation about the needs of poor children and to encourage preventive investments which will protect and promote their full and healthy development. CDF's work spans a broad range of public policy issues, including family income, health care, education, youth employment, child care and specialized services that are essential to the well-being of the next generation and to the future of the nation.

I welcome the opportunity to appear before the Subcommittee on Elementary, Secondary, and Vocational Education today to testify on H.R. 950, the bill to reauthorize programs of federal financial assistance to meet the special educational needs of educationally disadvantaged children. Chairman Hawkins, we applaud your leadership in introducing this legislation and your long-standing commitment to advancing equal educational opportunity for all children.

In my remarks this morning, I want to stress our belief in the importance of education as a preventive investment in poor children. All children today need a good education to realize their human potential and become self-sufficient and contributing adults. Formal education is now a virtually universal prerequisite for employment in our nation. However, a sound education is important not only to the economic well-being of individual citizens but to the well-being of our society as a whole, politically and socially as well as economically. First, an educated citizenry is needed to participate in a modern and complex democratic society. Second, our nation needs competent, skilled workers in order to compete in the world marketplace. Finally, our society is aging rapidly and thus is increasingly dependent on high productivity from future generations to meet its economic needs and shoulder its public responsibilities. Furthermore a national investment in education will save our society money in the long term. A recent estimate of the total lifetime earning loss from the dropouts in the high school class of 1981 alone is a staggering $228 billion, with an approximate loss of tax revenue of $68.4 billion.

Despite the importance of a sound education, the public school system is failing to educate many children, especially those from economically disadvantaged backgrounds. There are several symptoms of this failure, including a high dropout rate (which disproportionately affects poor youths) and a persistent achievement gap between well-off children and poor children. Every year, approximately 700,000 students at the ninth grade level or above drop out. The dropout problem disproportionately afflicts the poor, including high proportions of children from racial and ethnic minority groups. To a significant degree, these racial variations merely reflect the effects of the higher poverty rates suffered by minority groups. When poverty rates are controlled for, black and white dropout rates are essentially identical. Non-poor black youth drop out at a rate (9.3 percent) that is only marginally higher than that of non-poor white youths (8.6 percent). And poor black youths drop out at a rate (24.6 percent) slightly lower than that of poor whites (27.1 percent). Regardless of their race, youths from poor families are three to four times more likely to drop out than those from more affluent households.

Another key measure of the failure of schools to teach all children well--and a key cause of the dropout rate--is the persistent gap in achievement between well-off and disadvantaged students. While recent years have seen some narrowing of the gap between the achievement test scores of minority and non-minority students, the educational deficits suffered by minority and disadvantaged children remain large.

All too often, early hindrances to a poor child's development, such as poor health care and inadequate nutrition, are compounded by a school experience that is generally inferior to the public school education that more well-off peers receive. Because of interstate and district variations in spending, some schools have far fewer resources than others. Wealthier states spend a great deal more per pupil than poor states. For example, in 1985-86, Connecticut spent twice as much as Mississippi. Even between different areas within a given state, resources can vary widely. In New Jersey, which has attempted to compensate for these local variations, per-pupil spending levels range from a low of $3,404 per pupil in a poor urban district to $5,284 per pupil in a wealthy suburban district. Schools in poor districts not only have fewer fiscal resources, but attract less experienced teachers, and generally do not have a community constituency as able as other communities to contribute to a school's educational program or monitor its performance.

Until recently, most states have done far too little to compensate for this unfairness. The state education reform movement (now in its fourth year), a movement to raise standards and improve student performance, has yet to develop an agenda designed to provide disadvantaged students with the resources and attention they need. Virtually all of the nearly $2 billion states earmarked last year to implement the reforms will be spent on initiatives that, while often helpful to all children, are not specifically targeted on poor children.

The federal government therefore must take steps to ensure that less advantaged children have access to the same educational opportunities as their more advantaged peers. Chapter 1 is the federal education program designed to accomplish just this and it has been successful. Results from many studies indicate that Chapter 1 has helped raise academic achievement levels of enrolled students. Nonetheless, Chapter 1 has lost ground against inflation and the rising number of children in poverty. As a 1985 Congressional Budget Office report states:

> "In real terms, the 1985 appropriation for Chapter I is roughly 29 percent lower than the 1979 appropriation. The real funding per poor child has declined even more markedly; in 1983, the last year for which data on the number of children in poverty are available, real appropriations per child in poverty were 53 percent of the 1979 level."

As a result, in 1985, Chapter 1 served only fifty-four students for every 100 poor school-aged children. In 1980, the ratio was seventy-five per 100.

In the spirit of improving and strengthening the original intent of the Chapter 1, program one of the most important goals is to serve all children. We look forward to working with the Committee to secure full funding for Chapter 1 during the budget and appropriations process. We recommend appropriations for Chapter 1 be increased by $500 million a year so that by 1992 roughly all eligible children will be served.

In the testimony which follows, we set forth four basic principles and offer specific recommendations for reauthorizing the legislation in the 100th Congress. These principles are based on a position paper on the Chapter 1 reauthorization developed by a coalition of child advocacy groups and submitted to you last week. Our proposals are grouped by area: targeting of sufficient resources to those most in need and those groups currently underserved by the program; fiscal accountability to prevent supplanting; full parent involvement in all aspects of the program; and high program quality to overcome educational disadvantage and promote achievement of mainstreamed goals for all.

TARGETING

Two major issues have to be addressed: (1) Chapter 1 funds can be targeted more effectively to school districts and schools with the most low income and educationally disadvantaged students. (2) Several groups of students have been unserved or underserved by the program, including preschool, secondary school, and limited-English-proficient students.

Concentration in school districts and individual schools with the most low-income and educationally disadvantaged students

The first report of the National Assessment of Chapter 1 documents that high concentrations of poverty negatively affect the achievement of students regardless of their individual economic circumstances. These findings suggest that resources should be concentrated in school districts and individual schools with the highest concentration of low income and educationally disadvantaged children. However, 90% of all local educational agencies currently receive some Chapter 1 funds. We applaud the bills commitment to concentration grants but recommend that they be tied to the allocation of basic grants under section 105 rather than making them dependent on appropriations in excess of FY 1987 levels. Authorizing them as a certain percentage, (e.g., 20%) of each state's allocation under the basic grant, would accomplish this. Furthermore, the minimum threshold for participation in Chapter 1 should be raised so that local educational agencies are eligible only if they have 100 children or if the children counted make up at least 2% of their total enrollment. In low poverty counties which have from 2% to 10% low-income children, allocations might be reduced by adjusting the per pupil allocation in the basic grant formula. A special provision to sustain some level of Chapter 1 services to very small and sparsely populated districts might be made. For example several school districts might submit a joint application for a cooperative inter-district program.

We would like to clear up what may be an ambiguity in the Child Advocacy Group's position paper concerning state compensatory education funds. While we do support continuing provisions under which eligible attendance areas and children may be skipped if they are receiving state compensatory funds of the same nature and scope, we do not support the reverse principle. Education agencies should not be allowed to withdraw state compensatory education funds because of the presence of Chapter 1 funds. This serves to undo the purpose of Chapter 1--to increase the funds available, particularly in poorer schools and districts.

Programs for preschool, secondary school and limited-English proficient children

CDF strongly supports two new and innovative programs--Even Start and the Secondary Program for Basic Skills Improvement and Dropout Prevention--authorized in the legislation.

We like the concept embodied in Even Start, the discretionary grant program which enables parents to learn with their children and provides them with the necessary skills to assist with their children's education. That Even Start programs can be home-based, and not confined to school buildings, will permit tutoring in the home, establishment of tutoring centers in public housing or recreation centers, and a host of other imaginative approaches. We believe the program might be strengthened in two ways. First, teachers should be provided with the necessary training to enable them to work successfully with preschool children and adults. To this end, teacher training should be a program element and not just required as part of the documentation. Second, consultation with parents in the development, implementation, and evaluation of these programs should be specifically included.

The Secondary School Program will help meet the needs of educationally disadvantaged secondary school students, currently underserved by the Chapter 1 program. While seventy percent of all elementary schools receive Chapter 1 funds, only 36% of secondary schools receive such funds. By the time youths have reached the end of their teenage years, poor basic academic skills sharply increase the likelihood that they will face a diverse range of problems in attempting to make the transition to adulthood. Youths who by age eighteen have the weakest reading and math skills, when compared to those with above-average basic skills, are:

- o Eight times more likely to bear children out of wedlock;
- o Seven times more likely to drop out of school before graduation;
- o Four times more likely to be both out of work and out of school; and
- o Four times more likely to be forced to turn to public assistance for basic income support.

Finally, we urge you to address the unique needs of limited-English proficient children. Congress should include statutory provisions for their full participation in all aspects of the Chapter 1 program by eligible limited-English proficient children, regardless of their limited-English proficiency or their participation in other special language programs and should encourage the coordination of compensatory services and language services at the local level. To this end Congress should direct the federal Department of Education and the state education agencies to develop and provide technical assistance, program models, and other guidance to local education agencies for (1) effectively coordinating special language services with other compensatory and regular services needed by eligible limited-English proficient students, and (2) assuring that the need to become proficient in English is not confused with the need for other compensatory education. Finally, Congress should require that data and other information be collected on the number of eligible limited-English proficient children who receive Chapter 1 services, the nature of these services, the number of eligible limited-English proficient students who do not receive any Chapter 1 services, and the reasons why so many limited-English proficient children are not served.

FISCAL REQUIREMENTS

Under Title I, local and state spending per pupil had to be roughly comparable among all district schools. In 1981, Chapter 1 and its implementing regulations modified the comparability provision and eliminated specific annual reporting requirements. The variance allowed between spending on Chapter 1 and non-Chapter 1 schools was increased from five to ten percent. School districts were only required to file a written assurance with state education agencies that they had established policies to maintain equivalent student-staff ratios, salary expenditures per pupil, and school materials and instructional supplies. According to a recent report by the General Accounting Office at least 30 states have relaxed the variance requirement and allow up to a ten percent variance. Although most states continue to require districts to maintain documentation to prove comparability there are no specific reporting requirements and infrequent monitoring which makes it difficult to assess whether comparability is in fact being maintained.

The section on fiscal requirements in H.R. 950, 118(c), is an improvement over current law in that it requires more than filing an assurance with the state educational agency. However, it could be strengthened by (1) standardizing the procedure and records for documenting compliance; (2) requiring annual documentation; and (3) requiring that the documentation of comparability include per-pupil expenditures, pupil-staff ratios, and a 5% variance.

PARENT INVOLVEMENT

Congress has repeatedly emphasized the importance of parent involvement in Chapter 1, as well as in the predecessor Title I programs. Systematic involvement of parents is central to ensuring that program decisions are fully responsive to local needs, as articulated by parents at the local level. The Department of Education's own study of parental involvement, conducted by the Systems Development Corporation (1981), found that the degree of parental involvement in program design and implementation is directly related to the presence of specific mandates to local educational agencies concerning specific, concrete aspects of parental involvement.

We appreciate the Chairman's efforts to strengthen the Chapter 1 regulations pertaining to parent involvement in the face of the Administration's resistance to such efforts. However, we have four major concerns with the bill as introduced:

> First, while it calls for written policies on parent involvement, parents are given no role in developing those policies.
>
> Second, there is a list of activities which such policies may address, but there is no requirement that any or all of them be addressed. Thus, a parent involvement policy and program that did nothing to provide parents with timely information, to provide needed training, to provide responses to parent recommendations, etc. would apparently be perfectly legal--even though it lacked the very things we know are needed to make parent involvement real.
>
> Third, it calls for an annual parent meeting, but fails to set out the relationship between the meeting, the development of the parent policies, and the ongoing parent involvement activities, conveying the sense that this is a one-shot, "Here's the program, we're happy to hear from you, see you next year," meeting--which has all too often been the interpretation under current law.
>
> Fourth, there are not the kind of specific federal and state responsibilities needed to assure and improve local implementation.

To strengthen parent involvement activities under Chapter 1, we recommend that the local educational agency convene initial school-site meetings and an initial district-level meeting to inform parents about the Chapter 1 program, about the district's responsibility to involve parents in the planning, operation, and evaluation of the program, and to discuss the form parent involvement will take after these initial meetings. At this time parents have an opportunity to determine how to organize themselves in order to consult with school officials. The local educational agency and parents then jointly develop policies for parent involvement in all aspects of the program. The policies shall address the need for regular ongoing meetings of Chapter 1 parents, timely provision of information about the program to parents, an annual assessment of parent needs, parent training, reasonable support for activities parents undertake, outreach to parents to help them become more involved, and the designation of a staff member at the district level to assure the implementation of the parent involvement provisions. We also recommend an .pa annual evaluation of how well parent involvement is working, what barriers exist to greater participation, and the steps that need to be taken to improve participation.

While the greatest responsibility for assuring adequate parent involvement lies with local school districts, there are important roles for state and federal government to play. The Chapter 1 law should require that state education agencies provide: (1) technical assistance to local districts and parents in strategies and techniques for effective and comprehensive parent involvement; (2) evaluation of local parent involvement efforts, as part of the overall state Chapter 1 evaluation responsibility; (3) monitoring and enforcement of district parent involvement plans to assure that they meet the basic requirements of the law; and (4) recognition of model programs and dissemination of these models to other districts.

The federal Department of Education has similar specific responsibilities to assure that states are fulfilling their responsibilities on parent involvement, including providing technical assistance, and establishing thorough procedures for monitoring and enforcing the state and local requirements. In addition, we recommend the law require that the Education Department to: (1) make a special effort to recognize and reward states and local districts that are doing an excellent job of ensuring parent involvement; and (2) provide, through an administrative set-aside, grants to parent-governed parent training centers, modeled on the current practice under the Education of the Handicapped Act.

PROGRAM QUALITY

Chapter 1, and Title I before it, have required that programs be "of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served." Program quality and effectiveness are surely the bottom line. Yet, little has been done previously to focus on this requirement or to ensure that other provisions are carefully drawn to support it. It is now time that program quality be given the kind of attention that it deserves and has never really received in past reauthorizations.

We propose amendments to H.R. 950 consistent with its stated purpose but absent from the actual provisions of the bill. There are three key aspects to our amendments: (1) the setting of local program goals consistent with the purpose of Chapter 1 of overcoming barriers to mainstreamed academic success--specifically, goals which include those skills and knowledge which the school community has determined that all children should possess; (2) the development of a local program plan in which all aspects (student assessment, selection of educational strategies, allocation of resources and responsibilities, and program evaluation) are defined in terms of, and directed toward, achieving those goals and in which the school takes responsibility for assessing and modifying those aspects of its overall school program (e.g., its grouping practices) which may be interfering with achievement of the goals; and (3) the careful tying of all aspects of state and federal responsibilities (technical assistance, evaluation, application review, monitoring and enforcement, and incentives) to furthering the local capacity to implement the program quality provisions and achieve the mainstreamed program goals.

There are several reasons why our proposed amendment on local goals is stated in terms of the skills and knowledge which the school community (including parents) have determined that all children should possess. Adoption of such goals (consistent with any state standards) by the school community is critical so that staff, parents, and students understand and have ownership of what they are striving toward. It also allows formulation of the goals in terms which are useful in designing strategies to address the learning of particular skills and in measuring progress in terms which tell staff, parents, and students what has been accomplished and what skills and knowledge have yet to be mastered.

The focus on what staff and parents expect all students to be able to know and do, including higher order skills, is basic to the very purpose of Chapter 1. Unless educational deprivation is defined in terms of the absence of these skills and knowledge, and compensatory education is defined in terms of the extra services needed to acquire those skills and knowledge, Chapter 1 becomes a track toward unequal education, instead of a path toward this basic level of mainstreamed achievement.

Two elements of our proposal on local program quality plans deserve special note. First, it provides that, in selecting educational strategies, the school should examine the Chapter 1 students' entire school program to maximize integration into the mainstream and to modify any features of that program, such as grouping practices, which may be frustrating achievement of the overall Chapter 1 goals. This relates clearly to the basic purposes of mainstreamed achievement and is essentially a call for the school to take responsibility for itself as an institution of learning--one which uses the knowledge available to it to improve itself. Specific mention of grouping as one practice to be examined is necessary because placement in a group in which the student is in fact not exposed to the very skills and knowledge expected of all students is one of the surest ways to frustrate the program goals.

Second, we propose student plans, developed with the teaching staff and parents, for those students who, after one year, are not making proportionate progress toward achievement of the goals. This will help establish a common sense of purpose and responsibility among the teacher, the student, and the parent. It will help tailor the services to the student's particular strengths and needs, but in terms of achievement of the overall program goals for what all children are expected to achieve. (It does not require individualized instruction.)

If there is to be a renewed focus on program quality, it must be reflected in state and federal responsibilities. Ties to the local program quality requirements must be written into each aspect of technical assistance, evaluation, application review, monitoring and enforcement, and incentives.

Our proposal is consistent with what has been learned about school effectiveness--high expectations can be achieved, provided that they are: clearly articulated and communicated to all involved, adopted by those involved so that everyone believes they are achievable, and are supported by strategies and regular evaluation designed to see that they are being achieved.

To conclude, our proposals for change in Chapter 1 do not represent a change in the underlying philosophy and goals for the program. They do embrace changes which twenty years of experience tell us are needed to assure that Chapter 1 programs better serve those enduring goals--targeting of sufficient resources to those most in need; fiscal accountability to prevent supplanting; full parent involvement in all aspects of the program; and high program quality to overcome educational disadvantage and promote achievement of mainstreamed goals for all.

Chairman **Hawkins**. The next witness is the Honorable Jack Perry, State Senator, New York, and Senior Project Consultant, Interstate Migrant Education Council.

Senator, we welcome you and I join with my colleagues in saying how helpful you have been to us and how we look forward to your testimony.

STATEMENT OF JOHN D. PERRY, SENIOR PROJECT CONSULTANT, INTERSTATE MIGRANT EDUCATION COUNCIL, IN COOPERATION WITH THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF MIGRANT EDUCATION

Mr. **Perry**. Thank you, Mr. Chairman, and other members of the Committee, and friends, acquaintances and thank you for your invitation to appear before this Committee.

I am representing the Interstate Migrant Education Council which is a consortium of 17 states which has been organized to promote cooperation among states to insure that migrant children receive full access to services in the school districts to which they travel. Also, the purpose of the Interstate Migrant Education council is to help to identify critical problems facing migrant children and their families and bring those to the attention of the nation.

For the last year, our Council has worked with the National Association of State Directors of Migrant Education to examine the current law of Chapter 1 and we have also reviewed H.R. 950, and today I am here to submit formal testimony and to make some verbal comments concerned H.R. 950.

I might, just as an aside, as in my other position as a State Senator from New York State say, and as a former educator, that I have been extraordinarily impressed in my 10 years of association with the migrant program. This program has provided for access for hundreds of thousands of children to the schooling systems of a nation that they wouldn't have without this program, provided a continuity of education and through the 143 Section of the establishment of the Migrant Student Record Transfer System, we have developed a system that integrates the whole nation and all of the states in the nation in providing services to migrant children.

In my judgment, the migrant education program in the various states is the most innovative program in American education and if the various techniques that are applied in the programs that are applied for migrant children could be replicated and applied in urban centers throughout the United States, I can tell you, from my experience we would take a giant step forward in decreasing the drop out rate, just as the drop out rate for migrant students has been dramatically decreased over the last decade. So much for my comments on the side.

I would like to make some specific comments in relationship to sections in the bill.

First of all, I am here to talk about Part D, naturally, the program for migrant students and I would like to go through the bill and talk about, if I can do this, by getting to specific sections.

First of all section—I might note, Mr. Chairman, in the testimony that we have submitted, some of the citations are not exactly accurate and therefore, as I go through, I would like to note the points that the sections refer to and make the accurate statements.

First of all, Section 151(b), the establishment of a standard error rate of 5 percent, which is a new section. We support that enthusiastically.

Section 151(b), Part (2), the development of a national standard form for the certification of migrant students which is a new section of the law, we support that section.

On Section 152(a)(2) which is the coordination with programs administered under Section 418 of the Higher Education Act, Section 402 of the Job Training Partnership Act and all appropriate sections of the Community Services Block Grant Act, we would recommend, Mr. Chairman that the committee consider expanding programs listed to include Head Start, Migrant Health Programs and programs that apply in the Department of Labor and the Department of Agriculture.

On page 5 of my testimony, Section 152(a)(4), there is revised language in H.R. 950 concerning parental involvement which tracks the language of Chapter 1, we support that change for migrant education.

Under Section 152(a)(6) on Page 75 of the bill, there is new language which says the use of sustained gains measured for formerly migratory children who have been served at least two years, that's a new section of the bill, and we support that particular section.

The next part of my testimony indicates—it says Section 152—it should say Section 153(a)(1). The coordination of migrant education activities via grants in consultation and with the approval of the states.

Mr. Chairman, we would recommend that the committee reconsider the inclusion of private, non-profit organizations for these purposes. Our recommendation is to either delete non-profit organizations or to allow non-profits to carry out such programs under the purview of the state education agency.

Our rationale for this suggestion is that this could fragment the program considerably, in addition the program is state administered and funded and therefore any coordinated activities or projects should fall under the purview of the State Education Agency.

Also under that section, we would recommend, under paragraphs 1 and 3, that these grants not be for more than 3 years.

On Page 77, Section 153(a)(3) which requires the development of a national program of credit exchange and accrual for migrant students, we would suggest that the terms or the phrase, "or contracts," Section 153(3), Line 22 be deleted thereby providing conformity with the word, "grants," which is in the language of Section 153(1).

With respect to other portions of H.R. 950, we would ask that the committee consider the following changes: On Page 89, Section 174, "Payments for State Administration," we urge the committee to consider amending this section, to increase the payments for state administration from one percent or $225,000 to 1.5 percent and $300,000. This recommendation applies to all of the state administered programs besides migrant education and this has the support of Chapter 1, basic migrant education and the Council of Chief

State School Officers and in the testimony there is a rationale for this change and we would gladly submit further rationale to support that change.

Mr. Chairman, we support enthusiastically the part of the bill which increases the age range from 5 to 17 to 3 to 21, but in consideration of the capping of the program over a period of years and the erosion of migrant education due to inflation, we would encourage that with the increase in the age range that funding follow when appropriations come.

And, on Appendix C, the last page of the testimony, we have indicated what we believe to be the approximate cost of serving children three to four, which would be $14 million and $23 million for each of those years and 18, 19, 20 and 21, which would be another $25 million for an approximate cost of an additional $62 million.

I would like to make just two more comments, Mr. Chairman. On the Even Start Program, which we are very enthusiastic about, we would ask that there be an amendment to Section 132 by inserting a subparagraph (d) which would read, "a state may reserve not more than 5 percent of the amounts available under this part for any fiscal year for state administrative costs," which is similar to what is in the secondary programs, a set aside of 5 percent for administrative costs.

Also on Part C of the bill, relating to secondary programs, we would ask that you would consider a set aside in that program for migrant education similar to the set aside that has been placed in Part B for migrant education of 3 percent.

Thank you, Mr. Chairman.

Chairman HAWKINS. Thank you, Senator.

[The prepared statement of John D. Perry follows:]

A TESTIMONY GIVEN TO
THE HOUSE COMMITTEE ON EDUCATION AND LABOR

CHAIRED BY

CONGRESSMAN
AUGUSTUS F. HAWKINS

BY

JOHN D. PERRY

SENIOR PROJECT CONSULTANT
INTERSTATE MIGRANT EDUCATION COUNCIL
IN COOPERATION WITH
THE NATIONAL ASSOCIATION OF STATE DIRECTORS
OF MIGRANT EDUCATION

MARCH 5, 1987

SUMMARY FINDINGS

Introduction

The National Association State Directors of Migrant Education (NASDME) and the Interstate Migrant Education Council (IMEC) have examined the status of the Chapter I Program for Migratory Children and submit this report on behalf of the 530,856 children served in 1984-85. The fact that these children, who live predominantly in rural areas and who oftentimes travel through several school districts during the school year, were identified and served bears witness to Congress' recognition of the special educational needs of children of migratory workers. Many of these children, because of their location in rural areas and mobile life style, would not have received supplemental education services without the support of the Chapter I Program for Migratory Children.

Twenty Years of Progress

Congress recognized the plight of migrant students in 1966 when it amended P.L. 89-10 and enacted P.L. 59-750 establishing the Migrant Education Program as part of ESEA Title I. Since its inception, innovation underscored by migrant educators' goals to enhance continuity in students' educational programs, has characterized the program. Some of the major accomplishments include the development of the Migrant Student Record Transfer System (MSRTS). The system was established for the purposes of monitoring accurate and complete records on the health and educational status of migrant children, assuring the rapid transmittal of data. Cooperation on an interstate/intrastate basis has also characterized the program due to the mobile life style of the student population. Additionally, a wide range of unique programs such as the skills information system, secondary credit exchange accrual systems between states, learn and earn program, short term units of instruction, high school equivalency programs, special summer programs and individualized instruction models have evolved over the years to enhance the educational opportunities for migrant students.

Continuing Needs

There are no really good sources of cleanly quantitied data that pinpoint the educational achievements of migrant students. The mobility of the population, combined with some difficulties in the data gathering process, work at odds to the development of a clear picture of this group of students. Even in the absence of such information, the problems that migrant students have in public schools cannot be obscured. Many are non-native English speaking. The consequence of this condition is well known--a generally lowered success rate in schools where English fluency tends to be taken for granted. The mobility of migrant students surely retards educational progress. It takes time to adjust to a new educational environment and even more time to learn to be successful within it. It is this time that migrant students do not have. Migrant students are typically older than their classmates; another circumstance that exacts its toll. Their parents have less education. They have ready access to work opportunities that can interfere with school. They are outsiders in the community. And the list goes on. There is a host of reasons why migrant students don't do well in school. It is likely that migrant children would continue to leave schools ill prepared for the future without this support of the migrant education program. A sampling of education statistics gleaned from available resources support this observation.

- Migrant farmworkers have less education than the rest of the U.S. population. In 1983, migrants 25 years of age and over had completed a median 7.7 years of school compared with 12.5 for the general population. Over 70 percent of the migrants had not completed high school and 15 percent were functionally illiterate (fewer than 5 years of school). Current data suggest that better than 55 percent of migrant students are now completing high school.

- Typically, the children of migrant workers lag from 6 to 18 months behind the expected grade levels for their age groups, and English is often a second language.

- Farmworkers are among the most educationally disadvantaged groups in our society. On average, they have no more than a sixth grade education, and the rate of enrollment in schools is lower for farmworker children than for any other group in the country.

- Migrant students are markedly behind other students in both achievement and grade levels by the time they reach the third and fourth grades. Moreover, roughly 3 years were required for the average migrant student in some states to advance one grade level.

The data clearly suggest that the migrant student is more likely to fail than his or her more geographically stable peer. But even this phrasing tends to place blame for failure upon the migrant student. A better restatement of the view is that "the educational system is much more likely to fail the migrant student than his/her geographically stable peer".

Current Concerns

The United States Congress and Administrations of Presidents Nixon, Ford and Carter have recognized the need for supplemental educational support for this population of students. More recently, the changes under Chapter I of the ECIA enacted in 1981 plus diminishing federal appropriations give cause for concern. Specifically, we are concerned that the data with respect to Chapter I Migrant Education indicate that there has been a decline in the number of children served. A decline has occurred as well in constant dollar funding for the program from $245.0 million in 1979-80 to $216.7 million in 1983-84.

In 1986 NASDME and IMEC conducted extensive reviews of the Migrant Education Program for purposes of developing recommendations to submit for Congressional consideration. Through this process several key issues have been identified which will result in more effective and efficient delivery of education services to migrant students.

The Education Commission of the States (ECS) and the National Conference of State Legislatures (NCSL) recognised the importance of the program, at the annual meetings of each group during July and August 1986, by adopting resolutions calling for the continuation of the migrant education program. (See Appendix A and Appendix B.)

Endorsement of HR950

The Interstate Migrant Education Council and the National Association of State Directors of Migrant Education commend the U. S. Congress for twenty years of support of the Program for Migratory Children. Nevertheless, on this twentieth anniversary of the enactment of the Elementary and Secondary Act of 1965 we wish to call Congress' attention to the erosion of the Program due to constant dollar reductions in Chapter I spending attributable to the capping of the appropriations. The Interstate Migrant Education Council and the National Association of State Directors of Migrant Education go on record as supportive of the provisions contained in HR950 introduced by Congressmen Hawkins and Goodling.

Indeed, we are particularly pleased that the sponsors have incorporated provisions to emphasize delivery of educational services at an earlier age as reflected in the Even Start Program contained in Part B and in Part D Subpart 1 of Programs for Migratory Children. Section 151 of this subpart expands the age range of eligible children to ages three to twenty-one inclusive. While we support these provisions, our support is tempered with the concern that funding be commensurate with the increase in the student population (see Appendix C).

We are tremendously encouraged by the provisions contained in Part C - Secondary School Programs for Basic Skills Improvement and Dropout Prevention. In view of the high dropout rates among migrant students, the establishment of these programs will provide a necessary boost to our efforts to ensure full participation and retention of this and other at risk students.

In terms of other specific provisions which we feel will strengthen and improve the effectiveness of the Program for Migratory Children, we strongly support the following sections of the bill.

Part D - Programs Operated by State Agencies
Subpart 1 - Programs for Migratory Children

Section 151 (1(b) Establishment of a standard error rate of 5 percent

Section 151(b)(2) - Development of a national standard form for certification of migrant students

Section 152(a)(2) - Coordination with programs administered under Section 418 of the Higher Education Act, Section 402 of the Job Training Partnership Act, and all appropriate sections of the Community Services Block Grant Act...

> We further recommend that the Committee consider expanding the programs listed to include Head Start, migrant health programs and applicable programs in the Departments of Labor and Agriculture.

Section 152(a)(4) - The revised language relative to parental involvement...

Section 152(a)(6) - The use of sustained gains measures for formerly migratory children who have been served at least 2 years.

Section 153 (a)(1) - The coordination of migrant education activities via grants in consultation and with the approval of the states.

> We would request that the Committee reconsider the inclusion of private, non-profit organizations for these purposes. Our recommendation is to either delete non-profit organizations or to allow non-profits to carry out such programs under the purview of the state education agency. Our rationale for this suggestion is that this could fragment the program considerably. In addition, the program is state administered and funded therefore, any coordination activities or projects should fall under the purview of the SEA. Finally, we recommend that grants issued under paragraohs (1) and (3) should not exceed three years for the stated purpose.

Section 153 (a)(3) - Which requires the development of a national program of credit exchange and accrual for migrant students.

> We would suggest that the terms or contracts (Sec. 153 (3) line 22) be deleted thereby providing for conformity with the grants language of Sec. 153 (1).

With respect to other portions of HR950 we would respectfully ask Committee consideration of the following changes:

Section 174 - Payments for State Administration (p. 89) - We urge the Committee to consider amending this section to increase payments for state administration from one percent and $225,000 in Subparts (1) and (2) to 1.5 percent and $300,000. This recommendation has been endorsed by Chapter I Basic, Migrant Education and the Council of Chief State School Officers. The CCSSO rationale for this position is as follows:

> In order to administer the Chapter I program efficiently, to monitor its effectiveness, and to provide critical assistance to local school districts implementing Chapter I programs and to disseminate model programs, there is a need to increase federal funds for these purposes...

NASDME and IMEC support this increase in order that states may more effectively deal with:

- increased monitoring
- technical assistance and improvement
- mandated intervention when LEA programs fail to show marked improvement for a period of two years
- A-128 audit requirements

Part B - Even Start Program - We are pleased with the inclusion of the three percent set-aside for programs for migrant children and their families. With respect to this section, we would ask Committee consideration of an amendment which would provide a set-aside for administrative costs. The amendment would read:

> Amend Section 132 by inserting Subparagraph (d) which reads:
> (d) A state may reserve not more than five percent of the amounts available under this part for any fiscal year for state administrative costs.

Part C - Secondary School Programs - In view of the high dropout rates among migrant students we would request that the Committee consider adding a section entitled Reservation for Migrant Programs similar to that contained in the Even Start section of the bill. The amendment would read:

> Amend Section 142 by inserting Subparagraph (e) to read:
> (e) Reservation for Migrant Programs. - The Secretary shall reserve an amount equal to three percent of the sums appropriated for this part for programs consistent with the purposes of this part for migrant children and their families to be conducted through the Office of Migrant Education.

Appendix A

April 4, 1986

RESOLUTION ON THE PROGRAM FOR MIGRATORY CHILDREN

WHEREAS In 1966 the United States Congress and educators throughout the nation recognized that migrant students were a minority within a minority among disadvantaged students due to their mobile life style, and were frequently viewed by school districts as non-residents and subsequently not their responsibility;

WHEREAS The regular school year with over 180 days and related time-span curriculum did not accommodate short span units of instruction for limited attendance, non-resident migrant students;

WHEREAS There was no continuity of instruction from school district to school district, much less from state to state;

WHEREAS There were no records nor the means by which to transfer academic and health information while the migrant students were on the move;

WHEREAS The United States Congress amended the Title I Elementary and Secondary Education Act in 1966 to provide for the unique education needs of the children of the migratory farmworkers;

WHEREAS The United States Congress and Administrations of Presidents Nixon, Ford and Carter have recognized the need for supplemental educational support for this population of students;

WHEREAS The Program for Migratory Children is the only federal program designed to effectively address the unique education needs of the interstate/intrastate migrant students;

WHEREAS The Program for Migratory Children has never been fully funded;

WHEREAS The budget proposed by the present Administration would result in a $42,000,000 reduction of funds available for the Program for Migratory Children in FY87;

WHEREAS The proposed budget would reduce the eligibility period by 60 percent and remove a funding floor from needed interstate coordination;

WHEREAS Migrant education is the only state agency compensatory education program having a reduction requested. The Administration's budget proposes to increase regular Chapter I and restore the Gramm-Rudman-Hollings cut to the handicapped, and neglected and delinquent programs under compensatory education;

WHEREAS The proposed budget and recommended changes would have an immediate negative impact on the number of students served with a reduction of 156,000 children who would stop receiving services immediately.

NOW, THEREFORE, BE IT RESOLVED THAT THE EDUCATION COMMISSION OF THE STATES,

Acknowledges the need for continuation of the Program for Migratory Children as currently enacted to provide supplemental education services for this unique student population;

Commends migrant educators for the many innovative programs developed during the past twenty years to meet the unique education needs of migrant students;

Strongly encourages continuation of level funding for the Program for Migratory Children;

Commissioners convey these findings to the President of the United States, the United States Congress and the Secretary of Education.

Disposition: Approved by ECS Steering Committee on April 4, 1986 for adoption of Commission

FINAL DISPOSITION: Adopted by the Commission, July 25, 1986

EXPIRATION DATE: ANNUAL MEETING 1987

Appendix 3

RESOLUTION FOR THE SUPPORT AND CONTINUATION OF THE PROGRAM FOR MIGRATORY CHILDREN

WHEREAS: In 1966 the United States Congress and educators throughout the nation recognized that migrant students were a minority within a minority among disadvantaged students due to their mobile life style, and were frequently viewed by school districts as non-residents and subsequently not their responsibility; and

WHEREAS: The migrant student has clearly been shown to be a national concern wherein state and local education agencies have shared the responsibility for educating these students with the Federal Government; and

WHEREAS: States recognize the economic benefits that accrue to our nation as a result of migrant labor being willing to travel to harvest the nation's crops; and

WHEREAS: The migrant education program has endured during the past 20 years because the Congress has recognized the interstate shared responsibility for the education of migrant students; and

WHEREAS: Migrant youth have the lowest graduation rate of any population group identified in our public school system and the rate of completion of post-secondary programs is correspondingly grim; and

WHEREAS: The budget proposed by the present Administration would result in a $62,000,000 reduction of funds available for the Program for Migratory Children in FY 87; and

WHEREAS: The proposed budget would reduce the eligibility period to 60 percent and remove a funding floor from needed interstate coordination and have an immediate negative impact by reducing the number served by 158,000 students; and

WHEREAS: Migrant education is the only state agency compensatory education program having a reduction requested. The Administration's budget proposes to increase regular Chapter I and restore the Gramm-Rudman-Hollings cut to the handicapped, and delinquent programs under compensatory education.

WHEREAS: The National Conference of State Legislatures acknowledges the need for continuation of the Program for Migratory Children as currently enacted to provide supplemental education services for this unique student population.

Be it resolved, therefore, that the National Conference of State Legislatures strongly encourages continuation of current funding levels for the Program for Migratory Children.

Be it further resolved that: The National Conference of State Legislatures' members convey these findings to the President of the United States, the United States Congress and the Secretary of Education.

Submitted by: James Pehler, Member of the Minnesota State Senate and Member of the Education and Labor Committee, National Conference of State Legislatures

Appendix C

Projected Number and Cost

(1986 Current Active migrant students entered in the MSRTS ages 3, 4 and 18-21 inclusive.)

Age	Number	FTE	Cost
3	23,994	10,235.58	$ 13,756,619.52
4	38,608	17,156.49	23,058,322.56
18	28,284	11,873.56	15,958,064.64
19	11,549	4,516.01	6,069,517.44
20	4,462	1,698.12	2,282,273.28
21 (inclusive)	1,686	623.63	838,158.72
Total	108,583	46,103.39	61,962,956.16

- 108,583 represents students in these age ranges currently being served.
- Cost is computed on the basis of 40% of National Center for Education Statistics (NCES) figure of $1,344 x FTE.
- These are figures reported by states who continuously serve and report these figures to MSRTS.

Chairman **Hawkins**. The next witness is Ms. Timothea Kirchner, Coordinator for Federal Programs, School District of Lancaster, Pennsylvania.

STATEMENT OF TIMOTHEA KIRCHNER, COORDINATOR FOR FEDERAL PROGRAMS, SCHOOL DISTRICT OF LANCASTER, PA, ACCOMPANIED BY DR. WILLIAM KIEFER, COORDINATOR OF EARLY CHILDHOOD PROGRAMS

Ms. **Kirchner**. Thank you, Mr. Chairman.

I am the Federal Programs Coordinator for the School District of Lancaster, Pennsylvania. Within that role, I administer a $1.1 million Chapter 1 project. That project is an early childhood program designed to intervene as early as 4 years of age with the intent to prevent significant and often irreversible gaps in a child's development as he moves through school.

The reason I am here today is because I represent a local educational agency that has operated a preschool program within its Title I/Chapter 1 project for the last 12 years. We have done that with the assistance and support of our State Educational Agency. With me is Dr. William Kiefer, Coordinator of Preschool Services for the School District of Lancaster.

I am here to make the following points: I want to encourage the use of Chapter 1 funds for preschool services. I also want to know that parents of this age group can be an effective partner in this educational program.

I am encouraged by my preliminary review of the proposed Chapter 1 legislation provided to me by the National Association of Federal Education Program Administrators. In that I see that preschool services are described as an appropriate Chapter 1 activity. I also see the strengthening of parental involvement in Chapter 1.

This involvement is much more practical than what was prescribed under the old Title I law. This brings me to my third point.

If Chapter 1 legislation is serious about the role of parent as partner, an appropriation must be provided to staff the necessary training component for parents to be effective partners.

Our district has surrounded its Chapter 1 program with training for parents. That training takes much more time than what comes under "other duties as needed" in a teacher or an administrator's job description.

I want you to know more about the School District of Lancaster, Pennsylvania. It is an urban/suburban school district with over 10,000 students in attendance. Approximately 48 percent of that population is comprised of minorities—Hispanic, Black and Indochinese.

There are 12 elementary schools, 4 junior high schools and a high school. The schools are neighborhood schools and therefore reflect the broad range of socio-economic groups living in Lancaster. Amongst the elementary schools, the low income percentages range from 9.9 percent to 82 percent low income population. Consequently, 10 of our 12 elementary schools are Chapter 1 eligible, 3 of our 4 junior high schools and the high school are eligible. We serve only our elementary population and within that, only our students who are ages 4 through 10, within the 10 eligible schools and the non public schools.

This decision to concentrate our Chapter 1 services was driven by local and national data which emphasized the need for and success of early intervention programs for educationally disadvantaged students. It was also driven by economics. There are not enough Chapter 1 dollars to serve our total eligible population. Given this fact, we determined that the money had more long term impact if it was used to "capture", as much as possible, our younger eligible population.

Local and state funds provide remedial services to students in grades 4 through 12.

The decision to concentrate Chapter 1 services was made operational 6 years ago. The local data was essentially based in our success with preschool services which has been part of our Chapter 1 project for 12 years.

We were finding that with early intervention through preschool services, we were able to significantly improve performance on Kindergarten screening tests. Kindergarten teachers were reporting that these children had the necessary foundation upon which they could build skills typically taught in their classrooms.

This is significant in that these children are displaying marked developmental delays when tested for our Chapter 1 preschool program. By first grade, many of these children were reading better than their peers. In math, they were holding steading with their peers. These children also scored significantly better on their achievement test at the end of first grade. Further details on this information are in a study attached to this testimony. (Retained in Subcommittee files.)

In order for you to understand the success of the program, it is important for you to see that preschool services under Chapter 1 have very specific eligibility requirements and resultant program criteria.

Eligibility for the preschool program is determined through the administration of the Denver Developmental Screening Test. This test is administered annually by the district.

Eligibility is determined by a number of development delays in areas such as language, gross and fine motor skills and social skills. More importantly, a developmental screening test tells a teacher what a child can do, it tells a parent what a child can do and gives a base from which we can build this child's critical foundation for much higher ordered skills like reading and computing.

From this base of information an individualized approach is built. The Chapter 1 preschool teacher is given a developmental skills list which provides the sequence of skills for developing the instructional program. These teachers conduct skills assessments three times a year to assure that instruction is appropriate.

This approach to testing and programming provides a clear description to parents of what can and should be done with the child at home in order to reinforce what is happening in the classroom. Parents are given this information during the testing time in the spring and are updated through the parent-teacher conferences.

This approach assures that a child and his parents will have a successful initial experience with school because preschool builds on what a child can do, not on what they can't do, which often occurs when you delay intervention and use normative data which only tells you that a child is in the 35th percentile.

There is a catch here. Children who come to us with developmental delays, have them because of a lack of appropriate experience at home. As I've said before, the school's involvement at a young age brings with it a parent who is more willing to be involved. Not necessarily able.

Our information falls on willing, eager, but often unable ears. It would be more useful if we could follow through with: "Here's the person who will provide you with the training and resources to make your child's total environment a learning one." This addresses the issue of sufficient size, scope and quality of a program to assure effective parental involvement.

Should these services be mandatory? No. It may prevent the child from receiving what we have to offer. Enforcement is cumbersome and negative. Should these services be provided in the classroom by teachers? No. This interferes with the professional provision of services to the child. Should these services be available in an attempt to surround the child with a stimulating educational environment? Yes. Should these services be provided in the home? As often as possible. That's where you want the action to take place. Is the money here to provide the services? No. When you consider the staffing needs for the eligible population of kids, that consumes available resources. We do what we can. You have in your packet of information a newsletter that we send home to parents with suggested activities. The problem is that a lot of our parents can't read that newsletter or if they can read it, they can't follow the directions in that newsletter.

Our preschool experience under Chapter 1, along with national data, which says that early intervention is critical to an educationally disadvantaged child's success in school, has driven us to concentrate our Chapter 1 dollars for services to our preschool through grade 3. Subsequent studies of our standardized achievement test data shows that this is having a positive effect. An attached chart shows a steady increase in achievement scores. Chapter 1 preschool and early childhood services are building a solid foundation that is holding as regular classroom teachers introduce higher order skills.

It is obviously my hope that what I see in your proposed legislation, as it relates to preschool services and parental involvement, remains intact and with that comes the necessary resources to provide effective services through Chapter 1.

You should know that even with the concentration of services in preschool through grade 3, we are still unable to serve our total eligible population in that age group. We still have long waiting lists. Thank you.

[Chart referred to by Ms. Kirchner follows:]

SCHOOL DISTRICT OF LANCASTER

IOWA TESTS OF BASIC SKILLS
Comparison of District-Wide Average Scores
for 1983, 1984, 1985 and 1986

	READING				MATH			
	Grade Equivalent				Grade Equivalent			
GRADE	1983	1984	1985	1986	1983	1984	1985	1986
1	1.64	2.03	2.08	2.09	1.70	1.94	2.02	2.05
2	2.92	3.01	3.04	3.07	2.87	2.82	2.87	3.02
3	3.94	3.84	3.95	4.06	3.96	3.97	4.06	4.10
4	4.62	4.77	4.84	4.94	4.76	4.83	4.94	5.09
5	5.44	5.59	5.60	5.92	5.76	5.85	5.90	6.14
6	6.24	6.24	6.50	6.48	6.62	6.87	6.90	6.97
7	7.01	7.13	7.13	7.28	7.37	7.40	7.49	7.58
8	8.16	8.34	8.13	8.33	8.30	8.36	8.30	8.56
9	9.41	9.66	9.43	9.43	8.94	9.25	9.23	9.31

Chairman **Hawkins**. For the purpose of introducing the next and final witness on this panel, I would like to yield to the gentleman from Vermont, Mr. Jeffords.

Mr. **Jeffords**. Thank you, Mr. Chairman.

It is a pleasure to be here with you and it is a special pleasure to be able to welcome Marc Hull, the Chief of our Special Education Unit for the State of Vermont.

We are very fortunate in Vermont to have an excellent educational program for handicapped students. One of the important sources of support for these programs (for the handicapped) in the state is Chapter 1. I look forward to the testimony on the P.L. 89-313 program this morning and hope that, with your help, we can make some positive changes here and continue this program which has done an excellent job for our students in Vermont. Thank you. Good to have you here.

Chairman **Hawkins**. Doctor Hull, we are delighted to join in the welcome to you. You may proceed.

STATEMENT OF MARC E. HULL, PH.D., CHIEF, SPECIAL EDUCATION UNIT, VERMONT DEPARTMENT OF EDUCATION

Dr. **Hull**. Thank you, Mr. Chairman.

I am here to provide testimony on Chapter 1, handicapped programs, commonly known as Public Law 89-313.

I have been directly involved with 89-313 programs for the past 18 years, first as a classroom teacher, and for the past 9 years as a State Education Agency administrator.

For Vermont, Chapter 1 handicapped program has been and continues to be an effective, vital and stable program.

The purpose of Public Law 89-313 is to extend and improve educational programs for children and youth in state operated and state supported programs. By state operated programs, I mean programs that are directly administered by a state agency By state supported programs I refer to to those programs which are operated under contract or with some other arrangement with a state education agency.

Public Law 89-313 funds may be used to supplement instruction, job training, various therapies, psychological services. They may be used to purchase supplemental instructional materials, conduct teacher in-service training or pay for other projects which improve the educational experiences of children in state programs.

Vermont has made excellent use of its 89-313 program. This year, 129 programs received some level of 89-313 support. This included 6 residential schools, 7 regional programs, 45 school districts which serve students under the 89-313 transfer program.

We received $1.3 million in 89-313 funding for this year and disbursed all but $60,000 of that which was designated for state administration. Fifty percent of the funds were distributed in grants under $10,000. Eighty-seven percent of the grants were distributed in amounts less than $20,000.

Although 89-313 funds may be used to cover a wide range of educational costs, this has not been the case in Vermont. The majority of our 89-313 funds have been spent on teacher aides. This has been the case since the program began operating some 20 years ago.

Funds have also been used to support job development and training, supported work experience, psychological counseling, physical and occupational therapy, adaptive physical education, computer software and other instructional materials and summer school or summer tutoring.

The transfer funds that we receive have been allocated in approximately the same manner with about 71 percent going for individual tutoring or for teacher aides.

Vermont is a high user of 89-313 funds. Participation is a matter of state choice and we have chosen to participate to the maximum extent possible in this program. We feel that although we are a high user of the program, that we have accepted a much larger level of responsibility for 89-313 eligible programs than most states have been willing to assume. We fully fund our 89-313 eligible programs, their basic costs.

We pay for all program improvements when program improvements are called for. If there are problems between host and sending districts, it is the state which works out the differences. If there is need for construction, we pay 75 percent of the construction costs compared to the 30 percent that we would ordinarily pay for other programs.

Although we are a high user, we have not extended the 89-313 transfer provision beyond 3 years. I think we may be unique among states in this regard. The reason that we have limited use of the 89-313 transfer provision to 3 years is simply to keep our numbers manageable and to keep Vermont's per capita share somewhat in line with other high user states.

I have heard it said by a number of individuals that 89-313 funding promotes institutionalization. It has not been that case in Vermont. To the contrary, it has served as a sweetner to be able to tell school districts that when they return students from state operated and state supported programs, that there will be a modest amount of funding returning with them. Combine this with other savings that school districts would receive and per pupil costs from $3 to $4,000 per child with transportation savings, in some cases, it does make an attractive package for returning students to their home schools.

Two students, with the savings of their bill back and with the combination of 89-313 funding does allow a full time aide to return with those students.

If the 89-313 funding were to be merged in one step with 94-142, Vermont would lose $582,000 or a 43 percent reduction. This would mean a $2.67 increase in the taxes of each of Vermont's 281,000 tax payers.

And, so we are very concerned with any probability that will make an immediate change in the funding level that Vermont has received.

My conclusion is that thousands of students have benefited from this program. It has been effective and vital and stable. It has benefited nearly one-fourth of the students enrolled in special education in Vermont.

I believe that the program does not appear to require major alteration. There has been no major cry from the field for change. I know of no special education interest groups that are avidly seeking for change. I do believe that we can make some changes, some improvements in the law and I have outlined them in my written testimony. Thank you.

Chairman HAWKINS. Thank you, Dr. Hull.

[The prepared statement of Dr. Marc E. Hull follows:]

Prepared Statement of Marc Hull, Chief of Special Education Unit, Vermont Department of Education

-1-

I am pleased to have this opportunity to appear before you today on behalf of some 2,500 children and youth in the State of Vermont who benefit from P.L. 89-313 funding. In FY 1987, Vermont received $1,346,274 in federal support under P.L. 89-313 which represented thirty-seven (37) percent of our total federal support for special education or six (6) percent of our combined state and federal support for special education. As a small and mostly rural state which lacks a strong economic base, we need and make excellent use of all federal funds which can assist us in providing quality programs for children with special needs. Hence, we are justifiably concerned about the future of the P.L. 89-313 Handicapped Program as Congress takes up the reauthorization of Chapter 1.

Purpose of Chapter 1 Handicapped Program: The purpose of the Chapter 1 Handicapped Program, commonly called P.L. 89-313, is to extend or improve comprehensive education programs for handicapped children enrolled in state-operated or state-supported educational programs. Funds may be used for projects which provide supplementary educational and related services such as instruction, physical education, mobility training, counseling, prevocational and vocational education, and teacher training. State Education Agencies are eligible for participation, and Local Education Agencies may participate on behalf of children who were formerly enrolled in state-supported or state-operated programs.

Vermont's Use of P.L. 89-313: Recipients of Vermont's P.L. 89-313 allocation for FY 1987 included six (6) residential schools, seventy-seven (77) regional programs, and forty-five (45) supervisory unions which served students under the P.L. 89-313 Transfer program. A breakdown of the funds by expenditure category is given in Table 1. Regional programs developed for children with low incidence handicaps (moderate to severe mental retardation, for example) received 62% of the funds, districts serving former P.L. 89-313 students received 22%, residential schools received 12%, and the state retained four (4) percent for administrative costs.

Table 1
Major Expenditure Categories for P.L. 89-313 Funds

No. of Programs	Expenditure Category	Amount	Percent of Total
77	Regional Programs	$835,319	62%
45	Individual Transfer	$303,844	22%
6	Residential Schools	$147,111	12%
1	Administration	$ 60,000	4%

Most of the FY 1987 grants were for amounts under $20,000 as shown in Table 2. About one-half of the grants were for amounts under $10,000, 36% were for amounts between $10,000 and $20,000; and 13% were for grants above $20,000. (A recipient may operate one or more programs.)

Table 2
Number and Amount of P.L. 89-313 Grants Made in FY 1987

Grant Amount	Number of Recipients
Under $ 5,000	25
Up to $10,000	18
Up to $15,000	21
Up to $20,000	9
Up to $40,000	7
Up to $60,000	4

The annual October 1 child count is used to allocate funds. The applicants have considerable discretion in determining how to use their annual allocation. Two major restrictions apply: the funds cannot supplant state or local funds and they must be used as program supplements only. In order to access funds, an applicant must submit a project application to the State describing the project's goals and objectives, the children who will participate, an evaluation design, and a dissemination plan. These requirements apply universally, even to a Local Education Agency which serves only one child under the program. Table 3 gives an analysis of how P.L. 89-313 dollars were spent in Vermont in FY 1987.

Table 3
FY 1987 Expenditure Categories for P.L. 89-313

Relative Standing	Expenditure Categories
1	Teacher Aides (Salaries & Benefits)
2	Job Developers and Trainers
3	Supported Work Experience
4	Psychological/Counseling Services
5	Occupational Therapy Consultation
6	Physical Therapy Consultation
7	Audiology Services
8	Adaptive Physical Education
9	Computer Software
10	Summer Tutoring
11	Summer Programs/Camp
12	Summer Preparation Time for Teachers
13	Breakfast Nutrition Program

More than seventy (70) percent of the P.L. 89-313 funds for FY 1987 were spent on teacher aides - classroom aides, individual aides, language aides, transition aides, and more. The next highest expenditure was for job development and training.
A portion of these funds were used to pay students who worked in various exploratory jobs. The remainder of the P.L. 89-313 allocation was spent in small amounts for various consultative services (psychological services, occupational and physical therapy, audiological services, and so on).

An analysis of the P.L. 89-313 Transfer applications for FY 1987 revealed that seventy-one (71) percent of the funds were expended for teacher aides, fourteen (14) percent for job training and development, seven (7) percent for psychological services, five (5) percent for instructional materials, and three (3) percent for equipment.

High Users of P.L. 89-313: Comparatively speaking, Vermont is a high user of P.L. 89-313 funding. On a per capita basis, we receive more P.L. 89-313 funds than any other state. However, we have never considered this to be an infringement on the right of other states to use P.L. 89-313 funds. Each state's participation is a matter of state choice. To be eligible to receive these funds, we have taken on a much higher level of responsibility for the operation of certain special education programs than most states want to assume. We forward-fund the full cost of these programs. If parents push for additional services, it's the state which must pick up the additional costs. If a teacher requests a maternity leave midway into the school year, it's the state which pays both the teacher and the substitute for the balance of the year. If additional classroom space is needed, it's the state which pays seventy-five (75) percent of the construction cost compared to thirty (30) percent aid for all other construction assistance. When conflicts between host and sending districts arise, it's the state which must resolve the problems. For these reasons and more, we have always felt justified in applying for P.L. 89-313 funding for all of our state-operated and state-supported programs.

I would like to add that Vermont has not requested all of the P.L. 89-313 funds for which we qualify. We have limited our use of P.L. 89-313 Transfer funds to three (3) years per student even though by law we could request this funding for as many years as an eligible child remains in school. This means that over the 20-year history of P.L. 89-313, we have not applied for millions of dollars for which we have qualified.

An Incentive to Mainstreaming: I have heard mainstream proponents say that P.L. 89-313 serves as a disincentive to deinstitutionalizing students who have been placed in state-operated programs. I disagree sharply with this contention. It is true that children counted under P.L. 89-313 may generate $100 to $200 more than they would generate under P.L. 94-142. I cannot believe, however, that children are being placed in institutional settings so that these institutions can collect an extra $200. Not at today's institutional costs.

In Vermont P.L. 89-313 funds have been used successfully to promote mainstreaming. Consider this testimony given on February 10, 1987 by Richard Schattman, Special Education Director of the Franklin Northwest Supervisory Union:[1]

> "P.L. 89-313 represents a Federal program which has been critically important in the implementation of integrated services. Without the technical assistance and financial support available through P.L. 89-313 Transfer, it is unlikely that integration would be occurring in Franklin Northwest Supervisory Union. Vermont is a leader in the area of integration and the implementation of the least restrictive environment concept as expressed in P.L. 94-142. It is this Director's opinion that Vermont is a leader in the provision of services in the least restrictive environment in great part due to the cooperation and mutual support among compensatory, special, and regular education."

In the past five years, Mr. Schattman has returned all Franklin Northwest students who attended state-supported schools and regional programs to their home schools, including three multihandicapped (severely retarded) students. It has helped Mr. Schattman to win support for his impressive mainstreaming effort to be able to tell local school boards that federal funds will "return" with these students. It is not big money, but it definitely helps to sweeten the arguments for bringing children home from state-operated and state-supported programs.

Merger with P.L. 94-142: The low users of P.L. 89-313 and certain personnel in the Office of Special Education and Rehabilitation Services (OSERS) have recommended that P.L. 89-313 be merged with P.L. 94-142. If this were to occur without ample time to make fiscal adjustments, special education in Vermont would face a severe setback. We would face an immediate loss of

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[1] This testimony was given by Mr. Schattman in a presentation on February 10, 1987 to the Senate Subcommittee on Education, Arts and the Humanities.

$996,030, a seventy-four (74) percent reduction. For many states, a million dollar loss would represent less than ten (10) cents per taxpayer in increased state taxes. In Vermont, the state's 217,762 taxpayers would have to pay an additional $4.57 per person (on the average) to make up the loss.

In the past three (3) years, the Vermont legislature has not granted an increase of more than $150,000 per year for new Special Education programs. At this rate, it would take seven (7) years for Vermont to accommodate a merger of P.L. 89-313 and P.L. 94-142. It will not be an easy task to convince legislators that the state should pick up the loss of federal funds. Whatever action is taken, therefore, with respect to P.L. 89-313, small states like Vermont will need ample time to adjust to any significant loss of funds ($25,000 or more).

Concluding Points and Recommendations: Vermont has benefitted greatly from P.L. 89-313. We would hate to see the program terminated or greatly altered. For us in particular, it has been and continues to be an effective and vital program. We believe that any move to change the program in a major way should be for compelling reasons only. Among state directors of special education, there has been no groundswell in favor of rewriting P.L. 89-313 in order to achieve some widely accepted objective. This is not to say that some improvements are not in order. We conclude with the following recommendations:

1. **Conditional waiver of project applications:** If funds are used to serve fewer than a specific number of children (say five) or to pay for a specific service or material, waive the requirement to report goals and objectives, evaluation, and dissemination plans, and accept instead a letter of request.

2. **Modification of state evaluation requirements:** For programs receiving less than $20,000, delete the end-of-year performance report and add a once-every-three-years evaluation requirement.

3. **Clarification of supplement:** Clarify the supplement-not-supplant provisions by listing examples of acceptable uses of funds, particularly those that could be easily audited, e.g. teacher aides, summer programs, individually adapted equipment, increased hours of services.

4. **Change date of count:** Change the date of the child count from October 1 to December 1 to make it consistent with the date of the P.L. 94-142 child count. Enrollments are more stable on December 1 than on October 1. The December 1 count more accurately reflects a program's actual yearly enrollment.

5. **Modification in age reporting requirements:** Require ages to be reported in categories corresponding to those mandated by P.L. 94-142.

6. **Addition of information about educational placements:** Require states to report on the educational settings in which children are served, the same as those mandated by P.L. 94-142.

7. **Specification of administration by special education office:** Mandate that the state special education office administer the P.L. 89-313 program. Allow a three-year transition for states which now administer the program through Chapter 1.

8. **Simplification of reporting for audit purposes:** Eliminate the requirement that agencies track funds to the level of the individual child. Give agencies discretion over how funds are used, as long as: (1) all eligible children are served, (2) funds supplement services and (3) this can be verified.

Chairman **Hawkins**. Senator Perry, I think it was not in the statement, but in your remarks you said that there were some exemplary programs for migrant children that were adaptable to urban schools and I think you made reference to the drop out problem.

In that connection, have you any specific exemplary programs in mind or would you like to submit to the committee such exemplary programs that you think would be adaptable to the urban school and which have proved to be highly successful in dealing with migrant children.

Mr. **Perry**. Mr. Chairman, I could provide those. We have done a considerable amount of research through the Interstate Migrant Education Council to identify exemplary programs.

What I was referring to, if I might just make a comment on it, as I have observed the migrant program over a period of years, there are 5 major characteristics that are just outstanding about the program.

One is that there is an extraordinary esprit de corps among the faculty and the people who deal with the migrant children. I have never, under any circumstances, ever heard a teacher or administrator or anybody working with a migrant child say a disparaging word about those children and I have worked in enough schools, as a teacher, to know that is not always the case. There is a real love and an identification by the people, throughout the United States, who work with migrant children.

Secondly, the programs are very flexible, of course, you know they're programs that are supplemental programs, but they are flexible, they do not expect the child to meet the program itself, they try to conceive and develop the program to meet the needs of the children and the families which are traveling, whether it be early morning programs, late night programs, week end programs, summer programs, they take it upon themselves, it's their responsibility to be flexible to the needs of the family.

Thirdly, there is an attitude to deal with the whole child. Health may be as important as education, providing clothing, doing anything possible to deal with all of the child's needs.

Fourth, there has been a long standing emphasis on parental involvement, as there is in Chapter 1, and

Fifthly, the use of technology, through the migrant student record transfer system and throughout all of the United States is something that could be applied in urban centers and help school administrators and teachers and guidance counselors to track kids, know where they are, know when they leave, know when they come back and know their problems and really, at an early age, be able to flag and identify the kids who are at risk at age 2 or 3 because of a variety of factors and develop early intervention programs. Those are conceptually some of the assets of this program that we could use to identify specific programs.

Chairman **Hawkins**. That's why I thought they might have some adaptability to districts such as mine, for example, where the children are not considered migrants, but they move so rapidly during the school year that it's difficult to keep up with them. You talk about the involvement of the parents, the parents are moving and they are not there at the end of the school year, you may have good relationships at the beginning and then a parent moves and then you have that same problem, so I see some of the same characteristics and if we can transfer some of the principles from one program to another, I can see how it could be very useful.

Mr. **Perry**. If I might. Congressman Ford is an expert on this, but we have identified many schools in New York State, for example, in the City of New York and I am sure it's the same in Philadelphia and Boston and Los Angeles, where they have 80 to 100 percent turnover in elementary schools throughout the year and if a system such as the migrant student record transfer system where a computerized tracking system could be applied to these major cities with this tremendous in school district migration, it would be very helpful.

Through the leadership of Richard Bove, who is the Migrant Director of New York State, we are in the process of establishing a model program in the City of Rochester to try to do this. It's a relatively small city with 40,000 students, it happens to be my hometown, and we are hoping, in a manageable city where they have their urban problems too, that we can establish a model that could be applied nationwide.

Chairman **Hawkins**. Thank you. Mrs. Kirchner, in your prepared statement on Page 3 you indicated that preschool builds on what the children can do, not on what they can't do. Then in the testing process that you outline, it wasn't so clear to me that you were talking about testing in or testing out the children who would be eligible for the program.

In view of the statements, you seem to be suggesting, that the ability to do something was, in a sense, the test that would be given to the student.

And, I wasn't so sure whether or not that was a student that you enrolled in preschool or that was the one that you did not enroll in preschool.

Do you understand my question?

Ms. **Kirchner**. You're talking about when I was talking about what a child can do and what they can't do. The test that we use, the Denver Developmental Screening Test and I will ask Mr. Kiefer to give further clarification on this.

The test that we use goes into such a basic level of skills so that we can move all the way back into a child's development and start from where he is. When you use a standardized achievement test score and speak in terms like, "he's a year behind in school," or, "he's only in the 35th percentile," that really doesn't give you any good information on where to start with that child.

It tells you everything that is wrong with him or everything that's deficient without getting down to the very base of where he is.

A four year old, our typical four year old, in a preschool program, comes to us, probably functioning at a 1 or 2 year old level and we need go use a developmental screening test which takes us all the way back into that development and gives us what that child knows how to do, so that when he is in school, he will initially experience those skills and then build from there.

Dr. Kiefer, the very nature of the child requires that we take a look at what a child can do first. We feel that it's most important that we make sure that those significant developmental gaps are closed in order for the child to grow in a normal way.

That if we allow children to reach, even the intermediate grades by having significant developmental delays at the preschool level, there are destined to have some difficulty when they get to more sophisticated skills and concepts.

The measurement that we use has to—we have two reasons for using it. The first is that we want to make sure that the children that enter our program are the children that can benefit most. The second reason is that just the instructional nature of our program requires that we have a starting point for these children. We want to start where they can suceed and build upon those skills so when we work on more sophisticated concepts, they are able to do these tasks with success.

Chairman **HAWKINS**. The point is, is the testing used to qualify the student for entering the program or is it in anyway used to eliminate students who do not measure up to your testing device?

Dr. **KIEFER**. The nature of the test is that those children who do the most poorly on the test are the ones that are accepted first.

Chairman **HAWKINS**. I see.

Dr. **KIEFER**. It's not that they have to qualify by reaching a certain level of competency, it's those children that do most poorly that are accepted.

Chairman **HAWKINS**. Thank you. That clarifies it, at least in the Chair's opinion. Mr. Goodling.

Mr. **GOODLING**. Mr. Chairman, I want to again emphasize that the migrant children and the migrant parents owe quite a debt of gratitude, I believe, to Senator Perry. He is a strong leader in our interstate migrant education council and one of the programs that I might refer to, when you asked him some questions about the programs that worked so well.

There's a summer program that I watched out in California and this gave the migrant children not only an opportunity to catch up and be with other students who were not migrant students, but for the first time, I believe, it gave them the realization that college isn't out of the question for them either and they had some real college readiness programs for these migrant children in California that I thought were very effectively done.

Timmy, that's what Andy said, that you went by Timmy.

Ms. **KIRCHNER**. Yes.

Mr. **GOODLING**. One question. You don't go below 4 years, I suppose, because of the state policy. In other words you don't deal with 3 year olds because of the state policy.

Ms. **KIRCHNER**. It's because of our own local district policy. We start in our regular kindergarten classes with 5 years old and our thinking is to take that age group just before they enter formal schooling.

Mr. **GOODLING**. I think you'll find, probably, the state policy wouldn't allow you to do it anyway.

I say that and these people heard me say that, because we used all our Chapter 1 money—Title I money at that time when I was in the school business for the preschool children and their parents working in the homes and we were doing 3 and 4 year olds and all of the sudden I got a directive saying you can't spend that money for 3 year olds and I came down here really all heated up to tell them that's the dumbest thing I ever heard of and before I could get it out of my mouth, they said, I'm sorry, that's the state policy. I think you'll probably find it is like that at the present time.

Ms. Kirchner. All right.

Mr. Goodling. I really want to look closely at your program because it's one that I have been very interested in way back. I agree wholeheartedly with you. There is so much that has to be done to help parents and children if the child is ever going to have any kind of a readiness skill by the time they get to a formal setting.

Ms. Kirchner. Right.

Mr. Goodling. So, I will review your testimony and your statistics with great interest.

Ms. Kirchner. Thank you.

Mr. Goodling. Ms. Edelman, one question. I have been resisting this whole IEP concept under Chapter 1 because I think you're talking about apples and oranges when you deal with handicapped and when you're dealing with Chapter 1. My whole emphasis has been that we have a lot of educating to do as far as the parent is concerned. What it does do is it helps the child get ready.

You are not advocating an IEP approach to Chapter 1, are you, when you talk about more involvement? I agree more involvement is necessary.

Mrs. Edelman. Well, it is a complicated issue, we certainly are not looking for a rigid IEP approach, though we are trying to see if we can't pick out some of the better parts of the individual assessment and individual attention as a thing to begin to think about, but obviously we're not trying to say we should do what we do for P.L. 94-142 in this provision.

There's a lot of discussion going on in our coalition on this, but I think that to the degree that we can encourage more individualized assessment and attention to kids, I think we do support it to that extent.

Mr. Goodling. Thank you. Doctor Hull, administrative costs, I applaud you for keeping yours down to 4 percent. I think, in my district, we have one unit, an intermediate unit where it's down to 2 percent and we have another intermediate unit that has decided that no funds will be used for administrative costs out of these funds that are provided.

Is there something special that you do—that isn't the norm, we find, that many other places are using a lot more money for administrative costs and that upsets me to some extent because, in my estimation, it isn't getting where it should be getting.

Is there something that you do, particularly, in Vermont that helps you keep this administrative cost to that 4 percent level or it's just something that you have adapted and said that any additional money will come from other sources, how did we get to that point?

Dr. Hull. With both 89-313 and with 94-142, our State Director of Special and Compensatory Education has always wanted as much of that money to flow through the children as we possibly can flow through and so we determine the amount of money that we set aside for administration, basically in terms of the number of staff persons that we feel are absolutely at the state level.

In this particular case, we have two individuals who devote approximately full time to this program. All the rest of the money we determine we want to be sent through the district, so it really has come down to what's the least amount of administration that we would have to give to this program, in terms of staff time.

Mr. GOODLING. Is that Robert Mc Namara you're referring to?

Dr. HULL. No, I'm referring to Dr. Ted Riggin, but Robert Mc Namara is my counterpart. He is to Chapter 1 what I am to special education.

Mr. GOODLING. I was so impressed I was going to recommend to my newly elected governor that he might look at him for Secretary of Education, but by the time I had got to that, he had already made a selection.

Thank you very much.

Chairman HAWKINS. Mr. Ford.

Mr. FORD. Thank you Bill, we're looking for one in Michigan, if you got some names. We wouldn't try to hurt our friends in Vermont, but if you got somebody good up there, I think we might be able to pay them a little better if we can get them in Michigan.

Mr. Chairman, I had a statement introducing Jack Perry, which I will offer for the record at this point.

[The statement follows:]

WELCOMING STATEMENT TO JACK PERRY

I am very pleased to welcome my good friend State Senator Jack Perry who has come to Washington to testify on H.R. 950, a bill to reauthorize the chapter one programs. Senator Perry is the senior project consultant to the Interstate Migrant Education Council, which along with the National Association of the State Directors of Migrant Education, made many of the suggestions concerning migrant education to me and to Chairman Hawkins which were subsequently incorporated into H.R. 950. I would like to commend these two groups for working so well together and for identifying the areas of the migrant education program most in need of improvement.

The migrant education program, enacted in 1966 serves children in all states (except for Hawaii), the District of Columbia, Puerto Rico and the Northern Mariana Islands. This year is funded at $264,524,000 and provides important educational services to well over 300,000 students.

One of the very difficult problems that has always confronted the migrant population is the lack of a strong political base or political advocacy. However, I am pleased that with the efforts of the state directors and the Interstate Migrant Education Council, Congressional support for the migrant education program has been strengthened over the years. I am very pleased to offer my support to this program both as a Member of Congress and as the Chairman of the Interstate Migrant Education Council.

Mr. Ford. But, I would just briefly like to say that I have been associated with the Migrant Education Programs since Mr. Meads and I made it an amendment to the 1966 reauthorization of ESEA. I have watched that program evolve from the way we conceptualized it. We took the idea from Sarge Shriver and what he was trying to do in the old OEO for migrant children, and we had the advantage of a number of things they tried that weren't working very well. There were very few states, very frankly, which gave any special attention to the unique characteristics of these children.

These children are not migrants because they're eligible for welfare. As a matter of fact, probably precisely because they are migrants, they're generally not eligible for welfare. They can't get access to health care in the normal way that other low-income people can. They're really victims of the work ethic. They have parents who follow the sun, if you will, looking for work and taking their families with them.

They have a very strong make up of the migrant stream which dictates a culture that has a very strong family focus.

I have watched this program over the years evolve and change, for the better, into a program that really works primarily because of the State Directors of Migrant Education. The difference that I have noted between them and state directors of other programs is that they have made a habit of meeting regularly and sharing information and working cooperatively between states. That type of cooperation is generally missing between states in other areas.

The Interstate Migrant Education Council evolved from the Interstate Migrant Task Force that was established by and funded through the Education Commission of the States. About 10 years ago, President Carter appointed the chairman of that task force as Ambassador to Mexico, and the Governor of Indiana, now the Secretary of HHS, appointed me to replace him. The Migrant Education Council evolved from that. There are 17 states that meet periodically and actively work on all the facets of the characteristics of the migrant child and their families and work on coordination.

We know that of the 650,000 kids that we have in the computer at Little Rock, less than 10 percent of them will finish high school and we know it's because of the special problems that they have that strangely become exacerbated when they reach the high school level.

Anybody who has had the experience of moving with their children from one state to another knows that it's really crazy when you try to match up credits between state A and state B and state C and these kids frequently go through 3, 4 or 5 school districts during a normal year.

Mr. Perry mentioned, Mr. Chairman, a number of things that we have learned from this that could be applied in the urban areas and he touched on one that I think has fascinated me for a long time.

If a child who is in the inner city of Detroit who may move 3 times during the school year, moves from one school to another, sometimes it's weeks before they have had time to test them and do a lot of other things to find out what grade level they should put them in in a reading class, what grade level he should be doing math at, whether or not he has had his polio shot, whether or not he has had a vaccination, all those other things.

The strange thing is that if he shows up in Detroit having started in Florida or Texas, as a migrant child, and the teacher goes to a computer console and accesses with the name of the child, his mother and I believe his birth date are the three characteristics they use, within a couple of hours, the computer spits out all the essential information you need to tell where to place that child in the school and at what level he's performing. Then the computer spits out a complete education record which is mailed to the school and the school is very good about keeping up with this because the only way they get paid is to feed back to the computer the record of what happened while he or she was at that school and the number of days that they actually provided an educational program for them. Then we take the number of days in the computer and credit that school with 1/365th of the child for each day that they actually had them.

So, unless they keep the game going by showing whatever progress or whatever happened to the child while he was in that school and send it back, they don't get their money and and it works very well. There is no similar incentive between schools in the same school district in most major cities.

We did try once in the late '60's with a Title III Program to put some kids on computers. We got away with it over the years with migrant kids because, frankly, nobody gives a damn about the migrant kids and we didn't have a whole lot of people complaining about them going into computers. But when we tried it between a city and a suburban school in the Detroit Metropolitan Area, Birch Society and others came down on us like a ton of bricks because we were going to be putting children's records into some kind of centralized computer system and that was a fearful thing to do in those days. Maybe it isn't true today and maybe we could get it.

I'm trying to put together an amendment for this bill, Mr. Chairman, that I haven't been able to work out yet. I expect that Bill Goodling will be working on it because he's been serving on this education council, as a representative from this committee and he has been a very active participant for a number of years and has shown a great deal of interest all the way through. I'm talking to a lot of people, and I still welcome all the help that I can get before we mark up on April the 7th. This would set up a commission at the national level to study the special conditions of migrant children and migrant education so that we can draw greater national and congressional attention to this population.

The Administration has consistently made proposals to cut down the number of people participating and in this way they have treated this program as fairly as they have treated all the others.

Currently they are talking about eliminating the settled out migrant. This becomes important to all the major cities which become magnets for families when they settle out of the migrant stream. The child settles out of the migrant stream and the problems that he brings to schools don't disappear as soon as he settles into public housing, in some instances, in a big city school district.

We, in effect, have put a bonus on the back of the child saying to these big cities, if you will find these kids and do something to catch them up with their peers, bring them up to speed, we'll give you some money for it. It works very well.

So the new plot is that instead of eliminating the settled out migrants, there would be a weighted formula that would say that some kinds of migrant children get 100 percent of funding and some kinds of migrant children get considerably less. On this scale of weights the settled-out migrant would be at the lowest end, when, indeed, the settled-out migrant might be facing the most trauma of going into a full-time residential situation for the first time in their lives in a very strange and frequently hostile environment. So we're hopeful that we're going to be able to fight those things off.

I want to thank you, Mr. Chairman, for the number of suggestions that came from the Interstate Migrant Education Council that you have incorporated into your bill. It was just called to my attention that something Mr. Perry said seems to be at odds with one of the recommendations from the council and I am sure we can work that out.

Maybe what drew attention to it, Jack, is that a couple of days ago, I came down rather hard on a state director of Title I who was asking to increase the set aside for administration. That produced a tremendous number of phone calls to my state superintendent—no great surprise to me. I found out yesterday that I had missed the mark when I said a couple of days ago that state departments were now funding 80 percent of their total payroll to run the state department out of Federal set asides from Federal programs even though nationally we only provide less than 7 percent of the money. I found out in Michigan it's even worse, we're funding 83 percent and we only get 4 and a half percent of the cost of education in Michigan from Federal funds.

So, we're funding 80 percent of the whole overhead for state administration out of four and a half percent of the money that we send in there to run the schools and that's part of what drives some of us to say, if the states want to play in this game, they're going to have to put more resources in.

I found out, Mr. Chairman, that we have something in the law, at least as interpreted by the Department very recently that's causing problems. I discovered that Michigan had an audit exception because they have a state funded compensatory education program and some 18 other states do as well.

The auditors over in the Department of Education have said that you cannot use the same person to work on the state compensatory education program in the school and on the Federal compensatory education program as well.

Now people who are qualified professionals in compensatory education are not so plentiful that we can afford to have duplication, but the effect is that by that crazy audit interpretation, they are not able to co-mingle, if you will, the resources that support the state program with the resources that support the Federal programs to have a more adequate coverage with professionals to assist the schools. I hope that we can address, somewhere in this legislation that problem. They have agreed to send to me the specifics of how the auditors claimed to have reached this questionable conclusion.

And, while there is great pressure on the states and while I feel very strongly opposed toward increasing shifting of money from program to administration, there may be an exception in the migrant program in that it is a state administered program from beginning to end where, in fact, if you don't have the state professionals running the program, you don't have a program.

I am afraid that if we try to make an exception for them that we won't be able to hold the line with the others and, I believe, Mr. Hull, from Vermont has, with a different program, the same kind of a problem that he presents us with.

I do not question at all your ability to—your frugal approach to using program money for administration but, if we use a 4 percent target, for example, for local administration, then we can't very well argue for a one percent target for the rest of compensatory education. So it's going to be something difficult for the committee to wrestle with.

And finally, Mr. Chairman, I would like to say that seeing Marian Wright Edelman here reminds me of how many years I have been looking down to see her advocating children's rights. I remember only once finding myself on the wrong side where we tried to accomodate the people in Washington with 11 year old strawberry pickers and that was my first and last attempt at that.

We did that as an accomodation to our dear colleague from up there and when he left the committee, we quit worrying about strawberry pickers in the State of Washington. I guess now that the strawberry production has all moved to Mexico anyhow, it became a moot question.

But over the years, she has been in here on education and on child nutrition. I should tell you, Marian, that earlier this week several people from Michigan came in to talk to me about several aspects of child nutrition, and they indicated that they were supportive of your positions on this legislation and I, frankly, thought that's what you might be here for today. But I always appreciate having a chance to see you here and I have always benefited from having your perspective on these questions. Thank you, Mr. Chairman.

Chairman HAWKINS. Mr. Jeffords.

Mr. JEFFORDS. Thank you, that was excellent testimony. I have a couple of questions.

First of all, you note that Vermont has a 3 year limitation on eligibility for LEA transfer students. Why is this?

Dr. HULL. Because we serve a disproportionate number of students in the 89-313 program and because we have a very strong emphasis on returning those students back to the mainstream we frankly felt that there would be so much disparity between what we receive and what other states receive that we decided to cap that at 3 years.

Within 3 years, we aim to have all of our handicapped students who are mainstreamed to return to a mainstream setting so well integrated into the system that they hopefully would not require an aide. We do find in those initial months and years of returning back to a mainstream program that an aide or some other supplemental assistance is very helpful.

But, within 3 years, we have been fairly successful in totally integrating them so that those dollars have not been necessary.

Now, with very severely handicapped students, with the most severely handicapped students, frankly, we sometimes trip ourselves up with our own particular rule on that inasmuch as there are those students who will require an aide or some other supplemental help for as long as they are in school, but we did establish this rule many years ago and we simply haven't chosen to change that.

Mr. **Jeffords**. Would you recommend that as a Federal guideline?

Dr. **Hull**. I would particularly for more mildly impaired students. For very severely impaired students, for whom it is easy to document a life long need for special assistance, I would say that I would extend that beyond three years.

Mr. **Jeffords**. I note that Vermont is one of the highest users of 89-313. Is that because Vermont started before 94-142 and became used to it or are there some real advantages?

Dr. **Hull**. I think the reason that we're a high user of the program is because when we started forming special classes in Vermont that many of these programs started as separate day schools. That's not something I'm real proud of, but that was the history of Vermont, that the public schools did not immediately respond to the need of integration of, let's say mentally retarded children and others that have very severe and visible handicaps.

Consequently as our programs began in Vermont, many of them were separate from mainstream education from public schooling and because they were separate, they were totally state supported. Occasionally a school would have a bake sale, but other than that and going for a general fund drive, it was not possible for those schools to operate except with state funding and so those began about 1953 through the early '60's and when this law came along, we simply read the regulations and found that all of those programs would qualify, whether or not they were in the separate state supported school or whether, as we began to move all of those programs into the public school system, they still qualified and we used the program that way.

Mr. **Jeffords**. As I understand it, if there is a change in the way that those funds are allocated, it could create a great deal of difficulty and Vermont would have to shift programs around and change things. Is that basically what you're saying?

Dr. **Hull**. Yes, it would cause considerable difficulty if we were to make a rapid change in the funding of this legislation. Hopefully, we will be in a position with our early childhood population, we have about 700 children under the age of 6 who are served with 89-313 funding. 500 of those would be in central education.

Hopefully under new legislation, we will soon come to a point where those children, if we go with the current legislation, within 2 or 3 years, we'll be at a point where it will be approximately the same amount of funding to have those 700 children served through 94-142 and, frankly, at that point in time, we would transfer them to that funding.

So, there would be a substantial drop in the amount of funds that we do request at this point in time.

Mr. **Jeffords**. Thank you. I would also like to commend you, as Mr. Goodling did on your low administrative costs. I think in many states—in most states, there is a trend to spend up to the limit and even more for administrative purposes. It's good to see someone who is taking the opposite approach. Thank you.

Chairman **Hawkins**. Thank you. Mr. Hayes.

Mr. **Hayes**. Thank you, Mr. Chairman.

I am conscious of the time, the bells are calling, as you can hear.

I do want to echo the sentiment of those who have expressed what has been excellent testimony from each of the panelists in support of legislation and our efforts to get reauthorization funding for these bills.

I do want to say to Mrs. Edelman particularly, I am personally thankful for the kind of support we have gotten for your organization in at least laying the base for the drop out legislation which we are now trying to pilot through Congress.

It was your initial approach that gave us the foundation for that kind of legislation and we thank you very much because we feel and I know you, from what you have said, the things that you propose would indicate that the reasons that you have suggested, particularly in terms of funding, additional funds and parental involvement are being raised to maybe serve as a deterrent to further increases in the drop out ratio which is pitifully high in many of our areas, particularly my own in Chicago.

We have a lot of students that fall in the Chapter 1 Category and they have a tendency because of various reasons to drop out before finishing high school and I want to see some changes in that direction and you and the rest of you expressed these feelings and gave supporting testimony to bolster the need for that kind of legislation.

I just want to make that as a comment, Mr. Chairman.

Chairman **Hawkins**. May the Chair apologize to the witnesses, we do have a vote pending in the House. Mr. Bartlett does have several questions that he would like to develop. The Chair will ask Mr. Bartlett to chair the rest of the hearing and to terminate the hearing when it is convenient, but in so doing, may I express appreciation to the witnesses for their testimony today and to apologize for this rather abrupt departure of some of the members. I hope that you understand that you did not drive us away, that we left with the hope of assuming our obligations to vote which Mr. Bartlett has sacrificed in order to proceed and we certainly want to express our appreciation to the witnesses.

Mr. Bartlett, would you take the chair?

Mr. **Bartlett** [presiding]. First of all, let me express that this is a new experience. I think what the Chairman is saying is that your testimony was so good and so solid that he feels comfortable leaving the proceedings in the hands of a Republican from Texas. But please understand that I will be being fed questions from both the Democratic and Republican staff, so I do have several things that I think need to be on the record and that the committee needs to understand some of the issues a little more specifically.

First, Senator Perry, you have been involved in the, in terms of migrant education, the tracking system which has, I think, worked well in the rural areas, but not in the urban according to your testimony, for migrant education.

Does that tracking for special education students, the transfer records, I mean, does that include the IEPs for special education students?

Mr. **Perry**. Mr. Bartlett, I'm really not an expert in the details of the MSRTS, but I have an expert here. Could I have Mr. Bove answer that question. He's the Migrant Director of the State of New York and serves on the MSRTS committee. Richard.

Mr. **Bartlett**. The question is: For special education students, does the Individual Education Program, the IEP, does it follow them to their new school?

Mr. **Bove**. It's not an open IEP, in other words. There's a reference on the transfer record that there is a special information available if the person who receives the record contacts this person, okay.

In other words, the IEP is not spelled out over a teletype to a receiving school. There's a section on there saying that there's a special report available, please contact this person.

Mr. **Bartlett**. In your judgment, do you have any sense as to whether that works very well?

Mr. **Bove**. It works very well because consider the Critical Data Section meaning, get this—it has to be between two persons who understand one another and it's closed to anybody else. Because we have that, where certain problems exist, if there's a pregnancy, if there's any kind of personal information that relates to the kids, that someone else should know, then that information is under a section called "Critical Data," to access that person.

Mr. **Bartlett**. Do you have any sense of what percentage of students then have their IEPs transferred with that one on one basis?

Mr. **Bove**. If the records are available, it's transferred—you mean that the person who receives the record calls for the IEP?

Mr. **Bartlett**. Yes.

Mr. **Bove**. That I can get for you from the Central Data System, but I wouldn't know.

Mr. **Bartlett**. That would be very helpful and we'll keep the record open because the IEPs are a critical part—the critical part of a special education students education and to start them in a new school without—in essence to start all over with a new IEP seems, not only unfair to the student but also bad education.

Mr. **Bove**. What we have to do, you realize, is that a lot of schools don't accept automatically, IEPs from other schools so that created a little problem.

We try to get some agreement that, at least they will continue with the IEP until they do their own assessment. There is a problem of getting different school districts, different schools to cooperate.

Mr. **Bartlett**. Well, I think the committee could use some recommendations—if you have any recommendations as to how to provide for that consistency of IEP as we reauthorize this legislation.

Second question. Dr. Hull——

Mr. **Perry**. Mr. Bartlett, may I just——

Mr. **Bartlett**. Yes, Senator Perry.

Mr. PERRY [continuing]. You just mentioned when I was talking about the MSRTS system, I wanted to clarify that it does operate in urban centers, for migrant students. For example, in the City of Dallas, there is a migrant program and a migrant director. We do not have computer tracking systems for non migrant students is my point.

Mr. BARTLETT. Thank you, Senator Perry.

Doctor Hull, I would like to explore with you a little bit, as to where we are on 89-313, how we got there and what we should do from this point on.

First of all, I am a supporter of 89-313. It is a good program that provides, an additional sum of $150 million to special education.

It does seem to me that it would be irresponsible of the committee though not to take a look at the way the funding is calculated and to determine if there is a historical anomaly in the law that needs to be corrected. I think we ought to take a look at it and if it needs to be corrected, we ought to have a long transition for that correction.

But first, let's focus on whether there is in fact, a problem. You told us that Vermont limits your LEA transfers to 3 years in terms of additional funding. And, as I understood it, you told us you did that because if you didn't do it, you would get, instead of obtaining more money than California, you would obtain more money than the whole world, if I could summarize what you said, because you would get even more money and you also said that you think that limitation then ought to be part of the law, is that what you—the Federal law?

Dr. HULL. Yes, sir.

Mr. BARTLETT. So that other states would be required to be less greedy also?

Dr. HULL. Frankly, if there was an easy way to distinguish between a severely impaired child and the more moderately or mildly impaired, I would continue the funding for the severely impaired child. Those children for whom you can ascertain that an aide or additional instructional materials are going to be needed over that child's entire education that, frankly, this would be very helpful, but otherwise, I would hope that if we're truly integrating these students from state operated and state supported programs into regular education, mainstream education, that most of that would be accomplished within 3 instructional years.

Mr. BARTLETT. My second question then is on the additional assistance that 89-313 provides and I'm trying to understand it, but as I read—as I understand it, 89-313 was started in 1965 before 94-142. When we brought in 94-142, then that was an addition.

The way the state choice applies, as I understand it, the application has nothing to do with the number of severely impaired students at all.

Dr. HULL. Right.

Mr. BARTLETT. It only has to do with whether—if I could generalize, with whether the pre-school program is state supported or is locally supported, am I correct? It's the same students. That is, the percentage of severely handicapped students in California is no greater or lesser than the percentage of severely handicapped students in Vermont?

Dr. HULL. That's correct.

Mr. BARTLETT. So, if we were to even out the formula and I understand that may have some negative implications that have to have a long transition, but if we were to even it out, we wouldn't be evening out a formula that is biased in favor of severely handicapped students, would we?

Dr. HULL. No, sir. In the State of Vermont, the reason that I referred to the more severely impaired is that our students who are in state operated and state assisted programs tend to be those who are the more severely impaired.

They're the ones of the low incidence children and being a very rural state, we simply do not often have the numbers of children in any given district to merit the full spectrum of services that that child needs.

Mr. BARTLETT. But other states have those same students.

Dr. HULL. Surely.

Mr. BARTLETT. And they're serving more locally and they're not able to apply for those larger numbers of 89-313 money. Is that correct?

Dr. HULL. That would be correct.

Mr. BARTLETT. Now stop me if I'm wrong because I'm trying to understand this.

Dr. HULL. That would be correct, however, my knowledge of other states, I would say that we, in the State of Vermont, do assume a much higher level of responsibility for those children who are in state supported and operated programs and then, typically, it would be assumed at the state department.

I will say that, yes, percentage wise, we would near most other states in the country and——

Mr. BARTLETT. Let me be certain that I understand what you just said because that's the way I understand it also, but it has to be very precise.

It's not that Vermont and other high users of 89-313 money provide a larger service to preschool or handicapped children, it's that Vermont and other high users provide a higher level of funding from the state level than from the local level. So it's merely the way the state is structured?

Dr. HULL. That's correct.

Mr. BARTLETT. Do you see any public policy reason that we should have a Federal law that essentially says if you're going to have access to this $150 million pot of money, you have to structure your educational program with a state run program instead of a locally run program? Is there any redeeming policy reason that we should do that, that would help more kids, that would be fair or less fair?

Dr. HULL. I believe, frankly, that it has been and will continue to be, for a small rural state where it is difficult to raise funds for special education, that the small amount of extra support that we receive is vital to us, but in terms of an overall national policy, I will admit that having some states receive more simply because of their funding configuration is not equitable.

Mr. BARTLETT. There are, of course, other rural states—small rural states that because they operate more on the local model than the state model and I'm not suggesting that either is superior, each state decides for itself.

But, I'm just suggesting that perhaps we shouldn't set up a Federal law that says that Montana either has to change its whole school system to be a state model or not receive funds for special education students.

So you're testimony is that you don't see any public policy purpose to be served by setting up that requirement?

Dr. HULL. Yes.

Mr. BARTLETT. Could you describe for us what the physical and educational regional programs look like on the preschool level. Where are they? Who operates them? Are they integrated or segregated by handicapped or—could you describe the LEA transfer to the public school system.

Dr. HULL. Okay.

Mr. BARTLETT. What are they transferring from?

Dr. HULL. In Vermont, approximately 50 percent of the students are transferring from a separate day school. We have two major centers in the state who serve large geographic regions. They would be separate day schools operated by a private board of education so when those children are transferred into the public system it is a very clear transfer. They're coming from the private to the public sector.

For children in the balance of the state, a regional program would consist of either home base or center based services that are located within their school district, so when those students transfer from a home or center based program, frankly they're not transferring from one community to another, it's probably going to be within their home community and the school in which they're being served.

Mr. BARTLETT. Do the regional programs for school aged kids that are funded, in part, by 89-313, entitle you to request money?

Dr. HULL. Yes.

Mr. BARTLETT. Are they segregated or integrated?

Dr. HULL. Because they are serving children in the 3 to 5 year age range and because Vermont, only very recently extended the mandatory school age to the age of 5, they would be segregated or separate, only in the sense that other children, in Vermont, would not be receiving services within that age range, unless a local district chooses to have pre school programs.

Mr. BARTLETT. Does a school-age child in moving from preschool to school age, does a school age child who is an 89-313 program, is he or she in a segregated program or an intergrated program, school age?

Dr. HULL. School age children who are in 89-313 eligible programs would be located in the school building along with other mainstream programs.

Many of those students are bused from their home districts to a center. In a sense they would be considered separate. For those students for whom the host district is their home district, the only segregation is that of having—receiving their instructions within a separate class under a special teacher.

Mr. BARTLETT. So it's an 89-313 program in the sense that it is state operated and supported, but it's in a local public school.

Dr. Hull. In a local public school.

Mr. Bartlett. In a state in which the local public school was going to operate that program, then they would not be eligible for 89-313 funds?

Dr. Hull. That is correct.

Mr. Bartlett. Let me move on to 1991 a little bit because I think that, perhaps, that's the solution to the dilemma and it really is a dilemma. It's not that Vermont and other high use states are doing bad things with the funds, you're doing very good things with the funds.

The difficulty is one that it seems to me that we have set up a federal policy that somehow puts a requirement that a state must have a certain funding and operating structure in order for the handicapped students to be eligible for the extra funds and that doesn't seem to be the right way to approach it.

Perhaps 1991 and the impact of the Public Law 99-457 will help find a way out.

You said earlier that you expect your 89-313 count for 3 to 5 to drop in 1991? Is this right?

Dr. Hull. Yes. Significantly if the proposed funding levels come through. I am certain that by the time——

Mr. Bartlett. And that's because you would apply for 99-457 instead of 89-313?

Dr. Hull. That's right. When that reaches the mark of $500 we, I am sure will transfer over to 94-142.

Mr. Bartlett. And when you say significantly, can you put a range on that? Do you expect it to drop by 10 percent or 20 percent or more or 50 percent, two-thirds, can you give us an idea of how much the drop will be?

Dr. Hull. The immediate drop would be about one-fourth, about 25 percent, however, when those students would be normally eligible for the transfer funds, they no longer, of course, would participate under the transfer program, so within 3 years, I would say that the drop may be greater than one-fourth. There would be an immediate one-fourth drop and then——

Mr. Bartlett. An immediate one-fourth drop and over a 3 year transition, it could be three-fourths.

Dr. Hull. It could be one-half. I'm not sure it would be three-fourths. We're serving 2,500 students. 700 are preschool children and if they were not in the transfer program, our number would drop off and remain fairly stable.

Mr. Bartlett. One other question and then a follow up of where to we go from here.

Vermont is not in this category, but if we 89-313, the way the law was structured in 1965, were to permit a state and states were applying for it on this basis, to apply for 89-313 money on the basis that they could have placed this child into a state institution if they had wanted to, even though they hadn't wanted to and didn't do it, would you think that we ought to remove that anomaly also? Do you think that should be an eligibility for an 89-313, is someone that the child could have been eligible had there been a state supported program?

Dr. Hull. We have had that question raised many times and frankly, it would be just too difficult, I think, for states to come up with regulations that would really be able to distinguish between a special ed director who says, well, I would like to get extra funding for this child because we gave consideration to his or her being in an eligible program. Frankly, that would be very difficult for us to monitor.

Mr. BARTLETT. But if states had been able to overcome that difficulty, do you think we should revise the law so that they couldn't or do you think that's a——

Dr. HULL. If it means more money and more money translates into better services, I would certainly go for that.

Mr. BARTLETT. One last question and this is to ask for your help.

If, in fact, I would judge that Vermont is no different in the case of 99-457, the Impact to the Preschool Incentive Grant, than all the other states so the Vermont experience would track others and if, in fact, because of the impact of the $500 projected per student or so per month from 99-457, if that is going to count of 89-313 to fall off by as much as half or three-quarters, if this committee could develope a way to move out of the historical anomaly, to move 89-313 back to just helping handicapped students without regard to the state funding formula and triggered that transition, beginning in 1991, so as not to cause anyone any undue hardship, would you think that we ought to do that and would you help us develope that kind of approach?

Dr. HULL. I certainly would be very willing and glad to assist in those discussions, yes.

Mr. BARTLETT. Thank you very much.

Mrs. Edelman, I have a question about a part of the bill, I don't believe you testified on, but I would just like to know what your sense is, if you were in our shoes, which direction would you go.

I found your testimony to be quite good. You testified on several occasions that Chapter 1 ought to be used for all children who are eligible. I don't believe your testimony though walked into that more difficult and politically charged area of private school students, students who are disadvantaged and eligible for Chapter 1, would be eligible for Chapter 1 if they went to a public school, but since they don't, the *Felton* decision kind of gets in the way.

If you were in our shoes, how would you deal with the *Felton* decision and would you tend to adopt some kind of local option, contracting private schools or how would you deal with it?

Mrs. EDELMAN. I've been trying not to deal with it.

Mr. BARTLETT. I know you're trying not to deal with it, but that's why I asked you to.

Mrs. EDELMAN. I'm going to defer that question to Diane August.

Ms. AUGUST. It's something that I would rather not deal with actually. In the Child Advocacy position paper, which we sent to subcommittee staff, we do take a position on that which is basically that we don't feel that that issue can be resolved by legislation.

Mr. BARTLETT. Do you think we just ought to—what do you think of the current system saying that those students are eligible for Chapter 1, but they have to go into a mobile home at the parking lot next door to the school.

Ms. AUGUST. I think it's extremely problematic to provide services in that way. On the other hand, it's against the court system to have teachers from public schools providing services in the private sector. I think it's a real problem.

Mr. **Bartlett**. The purpose of my asking this, and again, going to the testimony which is replete with serving all children and I understand it's a difficult issue, but it seems to me it's not one that we should ignore just because it's difficult. You've seen me wade into 89-313, so this one pales in comparison.

Is your organization, Children's Defense Fund, are you at all intrigued with the concept of a certificate by local option so a school district could contract with a private school if they have some of their students who live—who go to school in a private school and use the funds there?

Secretary Bennett's new proposal, not last year's but this year's.

Mrs. **Edelman**. Mr. Chairman, we really have not decided to take a position on this and we have been a part of a broader coalition and we have been struggling with it, however, in light of your interest and questions, I will go back and discuss it one more time and decide whether we're still going to sit on the fence or whether we want to come closer, you know, but I cannot give you a position today.

Mr. **Bartlett**. That's fair.

Mrs. **Edelman**. Because it is so difficult and we try to focus in on those things that we can get done first.

Mr. **Bartlett**. That's fair and very candid and I understand because I'm in exactly the same boat, but I think that if Congress does nothing at all, then we have taken a position, so I think that we could probably use some thoughtful help in terms of where to go from here.

The panel has been excellent and the witnesses have been quite helpful to the deliberations and the committee stands in adjournment until Tuesday for our next set of hearings.

[Whereupon at 11:35 a.m., the subcommittee adjourned to reconvene on Tuesday, March 10, 1987.]

REAUTHORIZATION OF EXPIRING FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Chapter 1 of the Education Consolidation and Improvement Act (Volume 1)

TUESDAY, MARCH 10, 1987

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:50 a.m. in room 2175, Rayburn House Office Building, Hon. Augustus Hawkins, Chairman, presiding.

Members present. Representatives Hawkins, Kildee, Biaggi, Hayes, Sawyer, Solarz, Visclosky, Goodling, Bartlett, Henry and Gunderson.

Staff present. John F. Jennings, counsel; Nancy L. Kober, legislative specialist; Beverly Griffin, staff assistant; Barbara Dandridge, legislative intern; Andrew Hartman, senior legislative associate; and Jo-Marie St. Martin, legislative associate.

Chairman **Hawkins**. The subcommittee will continue with the hearings on H.R. 5, the School Improvement Act and HR 950, Special Educational Needs Act. Today we have invited a group of distinguished witnesses for the hearing and we will introduce them in the order in which they have been listed in the notice—Dr. Sally Kilgore, the Director of Research, Office of Educational Research and Improvement of the U.S. Department of Education; she is accompanied by Bea Birman, Director of the National Assessment of Chapter One. The next witness is Mr. Richard Green, Superintendent of Schools of Minneapolis, Minnesota. The third witness is the Most Reverend William A. Hughes, Bishop of Covington, Kentucky, Chairman of the Committee on Education of the U.S. Catholic Conference.

We will call on the witnesses in the order they have been listed. May I indicate to the Most Reverend Hughes that your representative from Kentucky, Chris Perkins, wanted to be here to welcome you, however his plane has been delayed and if he comes in before we call upon you, then we obviously will give him that privelege of introducing you. But he did make that special request.

Dr. Kilgore, we will call on you as the lead off witness. Would you kindly speak into the instrument. I understand that that may not be a live one. I am sorry for the interruption.

STATEMENT OF SALLY KILGORE, DIRECTOR OF RESEARCH, OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT, U.S. DEPARTMENT OF EDUCATION, ACCOMPANIED BY BEA BIRMAN, DIRECTOR OF NATIONAL ASSESSMENT OF CHAPTER 1

Dr. KILGORE. Thank you. Is this better now?

Chairman HAWKINS. Thank you, that is much better.

Dr. KILGORE. My name is Sally Kilgore, Director of Office of Research, U.S. Department of Education.

It is a pleasure, Mr. Chairman and members of the subcommittee, to be with you today to report on the Congressionally mandated study of Chapter 1 services. We are proceeding toward the final report after two interim reports which have been delivered to you, and we are here today to provide you with some preliminary findings on the operations and functioning of Chapter 1 programs throughout the United States.

We are presenting findings this morning on three areas: selection of students and schools, the provision of services, and the administration of Chapter 1.

I have here my written testimony which has been submitted for the record and I will briefly summarize that.

Selecting schools and students, as we noted in our first interim report last spring, has resulted in the original intent of Congress. That is to say, students selected within districts are usually the lower achieving students within those districts and students within schools are generally the lower achieving students in those schools. However, when we look nationally, a certain anomaly occurred in our interim report. A large proportion of low achieving students—that is in the lowest quartile in the United States—are not receiving Chapter 1 services and conversely there are some relatively high-achieving students that are receiving Chapter 1 services. In preparing this final report, my staff has sought to explain or understand this certain anomaly. And just briefly, I'll discuss the things that we have looked at and provide you answers or explanations.

Compliance, that is to say, the degree to which schools and school districts follow the federal requirements in terms of selecting students and schools, is not an issue. Both our report as well as that given you by the General Accounting Office suggest that schools and school districts are in compliance with the Chapter 1 provisions for selecting students and schools.

The options provided by the law for districts in selecting students and schools, however, may contribute in some degree to the anomalous finding—that is, that we have some low achieving students that are not receiving Chapter 1 services and some relatively high that are receiving services.

Particularly, I will just mention two; others are outlined in the report. One is the uniformly high concentration option which allows service to all schools in school districts that have schools with very little difference in their poverty levels. In other words, if all schools have about the same amount of poor students in their schools, then the district can service all of those schools.

We found—since 1980, there has been a fairly substantial increase in the use of this option and it has occurred mostly in those districts with relatively low concentrations of poverty, which would explain, partly, why we are selecting students for service that are relatively high achieving. That particular option will explain part of the anomaly.

The Grade Span Option, which allows districts to focus on particular schools, in part, explains why some relatively low achieving students are not in the program. For instance—many school districts focus on elementary schools, and low achieving students in high school will not be part of a Chapter 1 program in districts that make that choice.

Certain practices, such as not providing multiple services to students, may result in this apparent anomaly. If a child is a part of a bilingual program, for instance, and low achieving, they may receive a bilingual program but not the Chapter 1 program. So this, again, would account for some of the original findings that we had.

Finally, the distribution of schools within districts and distribution of districts: Really, we know, you know, Congressmen, that not all school districts are alike. We have very wealthy suburban school districts in our country today and we have very impoverished school districts, both in rural and urban areas. And this relative difference in the distribution of poverty, when it is combined with the selection rules, often results in the anomalies that we find. For instance, very poor schools, by national standards, in a very impoverished area are not selected because the targeting is to the poorest schools within that district.

I am going to discuss, now, services that are provided by Chapter 1 and I am going to focus my brief discussion this morning on those that are fairly well linked with achievement outcomes. In our second interim report, we identified such practices that researchers, in previous work, thought were effective strategies.

We all know that Chapter 1 is primarily a program focused on elementary schools. It is primarily a pull-out program, providing about 35 minutes a day of very intense instruction. Now, the things that researchers know that enhance achievement, in terms of the way we can organize these programs, have to do with what we call the intensity of time that a child receives in a special program and the amount of time devoted to learning.

Now, insofar as the intensity of instruction, we estimate about one teacher to three students in most Chapter 1 programs. Chapter 1 students who are in such programs do very well. Researchers know that when you have a teacher that can provide very prompt responses that somebody is right, or wrong or is doing well—providing praise—that does a lot to enhance the achievement of students. Chapter 1 programs fulfill, that aspect of programs we know to be important.

However, in terms of adding instructional time to that child's experience, we would not say that Chapter 1 does very well, particularly as compared to the other factor, intensity. The added gain in time for students is maybe 10 minutes a day, but it is usually at the expense of some other regular academic instruction. So, this is something that we would have to say is less well served in the Chapter 1 services than other parts that we know to improve achievement.

Parental involvement in education—we know to be important to a child's achievement. We know that in Chapter 1 schools, it is the most common way that parents participate in the school life. They meet with teachers and provide some assistance to their children in homework.

School-wide approaches: Most of you are familiar with what we call the effective schools literature—that is, what makes an effective school. One attribute of an effective school is the coordination across, in this particular instance, a Chapter 1 program and a regular school program. We find that coordination is quite varied. There are a few schools where there is alot of coordination across what the regular teacher is teaching and what the Chapter 1 teacher is teaching. Then, there are quite a few schools where there is no coordination; it is like two independent activities or experiences for the child.

So, taken together, we might say there are some places where Chapter 1 schools provide programs that are very consistent with the research literature and what it says about effective practice. Then, there are places where it is not consistent, or it does not match as well as we might wish.

Finally, and briefly, the administration of services: The original intent, of course, of Chapter 1 was to somehow reduce the administrative burden, both at the Federal, state, and local level. Of course this included relaxing some of the reporting requirements regarding student and school selection, parent involvement, comparability, and evaluation.

Very briefly, comparability requirements: Although they have certainly been relaxed, we find a large proportion of school districts continue to calculate some form of comparability—generally student-staff ratios. There has been some relaxation of maintenance of effort requirements, which apparently has been helpful to districts. Parent advisory councils were eliminated in the Chapter 1 requirements. Over half of the school districts have dropped their district parent advisory councils. They are more likely to have been retained in large school districts than small ones.

And finally, Federal and state staff have been reduced in size since the inception of Chapter 1—about a 40 percent reduction at the Federal level and 30 percent at the state level.

I thank you. We will look forward to future opportunities to share other parts of our findings with you as the occasion arises.

Thank you, Mr. Chairman.

[The prepared statement of Sally B. Kilgore follows:]

STATEMENT OF

SALLY B. KILGORE
DIRECTOR, OFFICE OF RESEARCH
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

ACCOMPANIED BY

BEATRICE F. BIRMAN
DIRECTOR, NATIONAL ASSESSMENT OF CHAPTER 1

BEFORE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

Mr. Chairman and members of the Subcommittee, this statement summarizes findings to date from the National Assessment of Chapter 1 mandated by Congress in the Technical Amendments to the Education Consolidation and Improvement Act (ECIA). Congress required the Secretary to "conduct a national assessment of compensatory education assisted under [Chapter 1], through independent studies and analysis by the National Institute of Education." Since the reorganization of the Office of Educational Research and Improvement, this Assessment has been located in the Office of Research. I serve as Director of that Office, and am pleased to have this opportunity to report on some of the findings of that Assessment.

The mandate for the National Assessment asked for "descriptions and assessments of the impact of (1) services delivered, (2) recipients of services, (3) background and training of teachers and staff, (4) allocation of funds (to school sites), (5) coordination with other programs, (6) effectiveness of programs on students' basic and higher order academic skills, school attendance, and future education, and (7) a national profile of the way in which local educational agencies implement [the Chapter 1 program]."

The first interim report of the National Assessment, delivered to Congress last spring, focused on the relationship between poverty and achievement and the distribution of compensatory education services in the nation. The central findings of that report are twofold. First, both the length of the poverty experience of children and the degree to which they are surrounded by other poor children in school (the concentration of poverty) affect their achievement. Second, the report shows that many low-achieving students are not served by Chapter 1, while some students with above average achievement are served. In 1976, about 60 percent of elementary students scoring below the 25th percentile were not receiving program services, while some students who received program services scored above the 50th percentile nationally. The report also cited more recent data indicating that similar patterns of participation continue under Chapter 1.

The second interim report, delivered earlier this year, reviews evidence about the effectiveness of Chapter 1 services. This report found that Chapter 1 students experience larger increases in their standardized achievement test scores than comparable low-achieving students not served by Chapter 1, although their gains do not move them substantially toward the achievement levels of more advantaged students. The gains of Chapter 1 students were larger in mathematics than in reading, and larger in early elementary grades than in later grades. The added gains in learning of Chapter 1 students, relative to comparable students not in Chapter 1, range across grade levels and subject areas from 0% to 26%. The report found students who discontinue services appear gradually to lose the gains they made when receiving services. The report also summarized researchers' suggestions about practices likely to increase the achievement of disadvantaged students. These two reports, analyzing extant data, provide members of Congress with background information for the Assessment's final report on the current operation of the Chapter 1 program.

The National Assessment staff is currently completing its final report, which will present the new data collected as part of the mandated study. Included are national surveys of State Chapter 1 directors, local program directors, principals, and teachers, as well as case studies that examine particular areas of interest to Congress: the selection of schools and students, the allocation of funds to school sites, the design of Chapter 1 programs by local educational agencies, the school experiences of Chapter 1 students, and the administration of the program.

In general, considerable stability is evident in the Chapter 1 program. That is, the types of services currently delivered to students under Chapter 1 do not differ substantially from those provided under Title I. Few States and districts have changed their targeting or administrative practices. Major exceptions to this stability include a decline in services provided to students enrolled in private schools, and reduced requirements for parental involvement. Administrative changes were also noted in demonstrating comparability of resources between Chapter 1 and non-Chapter 1 schools.

Preliminary Findings of the Final Report of the National Assessment of Chapter 1

Based on the analyses conducted so far, we are able to present preliminary findings on:

- The selection of students and schools;
- The services provided to Chapter 1 students (including services to students in private schools);
- The administration of the program, with special emphasis on provisions that have changed from Title I to Chapter 1.

Selection of Students and Schools

Our research, consistent with a recent report by the General Accounting Office, finds that districts comply with Chapter 1's student and school selection provisions, which are aimed broadly at selecting the poorest schools within districts and the lowest achievers within those schools. Consequently, Chapter 1's student and school selection provisions tend to result in the selection of schools with the higher concentrations of poor students in their districts and the selection of students with lower levels of academic achievement within the grade levels served.

However, in both previous and current work, we find that many low-achieving students -- by national standards -- are not served by Chapter 1, while some higher achieving students are served. The National Assessment sought explanations for this anomaly by examining the procedures that districts use to select students and schools, and the distribution of low-income children among school districts in the nation.

The way in which districts select students may contribute to this anomalous situation in several ways. First, some low-achieving students are not selected for Chapter 1 because other special programs serve them. Of those students identified as low-achieving by their districts yet not served by Chapter 1, our case study data suggest that 50% are served by other special programs within the grade levels served by their districts. Second, selecting grade levels within a school for service can affect student inclusion in the program. Case study data suggest that having the option to select grades to be served within schools increases the likelihood that low-achieving students in other grades will go unserved, while higher-achieving students in the selected grades are served. Third, some mismatching of student achievement levels and selection may occur through the methods used to assess students. Most districts use teachers' judgments in combination with standardized tests when selecting students for Chapter 1 services. While teachers' judgments may reduce measurement errors of tests, they also increase the apparent discrepancy between needy students and those served by Chapter 1.

Other district practices that may contribute to the anomaly include a) restricting services to the very lowest achievers in a school leaving other low achievers unserved; b) extending services to formerly eligible students thereby allowing for the participation of students whose scores are higher than the cutoff set by their districts; and c) choosing not to establish uniform student selection policies across schools, or, if they have such policies, failing to implement them uniformly across their schools.

Taken together, however, these student selection factors fail to account for a substantial portion of the provision of services to relatively high-achieving students and the failure to serve relatively low-achieving students. The criteria for selecting schools also affect the achievement level of students served. Fifty-seven percent of the elementary schools with low concentrations of poverty (15% or less) receive Chapter 1 services. Schools with a low incidence of poor children tend to have relatively few low-achieving children. Our first report and subsequent case studies suggest that such schools often account for the selection of relatively high-achieving students for Chapter 1 services. Thus, to understand the selection of schools with low levels of poverty is to understand something more about the anomalous findings of the first interim report.

The school selection options allowed by Chapter 1 contribute to the participation of some low-poverty schools in the program. In selecting schools for Chapter 1 services, nearly all of the districts (95%) use one or more of the options provided in the law rather than a criterion of "above the district average" in poverty. Case study data suggest three school selection options are important to the participation of schools with relatively low levels of poverty: the uniformly high concentration of poverty option, the grade span option, and the school "grandfathering" option.

The uniformly high concentration option allows districts to serve all of their schools, or all of their schools serving particular grade levels, if there is a similar incidence of poverty among these schools. With the broadening of the option under Chapter 1 --from 5 to 10 percent differences across schools -- this option is used more frequently now than under Title I. In 1985-86, 43 percent of all school districts employing school selection options used this option, compared to 29 percent in 1981-82. The increase occurred largely in districts with low concentrations of poverty.

The grade span option allows districts to restrict Chapter 1 services to schools serving selected grades. Thus, higher achievers may be served in selected grades, while lower achievers will not be served in grades that are not selected. School "grandfathering" allows schools that were previously eligible for service to receive Chapter 1 funds for one additional year if the school was eligible for Chapter 1 in either of the two preceding years. Case study data suggest that these schools are usually quite close to their district's average poverty cutoff.

Most high-poverty schools (with 75% or more children in poverty) not served by Chapter are in districts with high concentrations of poverty. Among elementary schools with high concentrations of poverty in Chapter 1 districts, 14% are not served by Chapter 1. Approximately half of these schools do receive State compensatory services.

The selection of schools with low concentrations of poor children is not entirely attributable to the options that districts exercise in selecting schools. The participation of low poverty schools in Chapter 1 is strongly affected by the distribution of these schools among the districts that receive Chapter 1 funds. In districts with low levels of poverty, many schools chosen for Chapter 1 participation also have low levels of poverty, even if they are the schools with the highest proportions of poor children within their local context. Our survey data show that nearly all of the Chapter 1 elementary schools with low concentrations of poor students (15% or less) are in districts with below average poverty rates. Among schools in low-poverty districts, the average poverty rate is 9% according to estimates from case study data. In contrast, those schools not served by Chapter 1 in high poverty districts have an average poverty rate of 25%.

Services Provided to Chapter 1 Students

Our analyses indicate that the types of services now provided under Chapter 1 to students in public schools do not differ substantially from those previously provided under Title I. Chapter 1 is primarily an elementary school program, concentrated in grades 1-6, and offers basic skills instruction, most often in reading and mathematics. Elementary services continue to be provided predominantly in pullout settings outside the regular classroom (i.e., "pullout" programs).

On average, Chapter 1 instruction at the elementary level is provided 5 days per week for about 30 minutes per day in mathematics and 35 minutes per day in reading. In secondary schools, Chapter 1 instruction is longer -- averaging 45 minutes per day in reading. In contrast to elementary Chapter 1 instruction, teacher-directed instruction is virtually absent from Chapter 1 secondary school projects. Case studies suggest that Chapter 1 sessions in secondary schools most often involve seatwork or surrogate (i.e., computer) activities, and independent rather than guided practice.

Our second interim report to Congress identified two features of instructional programs that are likely to increase student achievement: providing instruction in very small groups and increasing the amount of time for instruction. Chapter 1 programs meet the first condition. Reading instruction is usually provided in small groups with a staff-to-student ratio of 1 to 4 in middle and elementary schools and 1 to 6 in secondary schools. Research indicates that such small groups improve the achievement of disadvantaged students, especially if the small group instruction is provided for an extended period of time.

With respect to instructional time, the evidence is more mixed. Our preliminary analyses suggest that Chapter 1 services modestly increase the amount of time available to learn basic skills. The increase is modest because about three-fourths of the regular teachers surveyed indicated that Chapter 1 students miss regular reading or other basic skills when they receive Chapter 1 reading; about one-half of regular teachers indicated that Chapter 1 students miss regular math instruction or other basic skills. Case study data suggest that Chapter 1 marginally increased total time in math or reading; however, that "net gain" came at the expense of time in other academic subjects.

Chapter 1 services are generally provided during the same school hours as regular instruction. Only 2% of public elementary schools provided Chapter 1 services before or after school, and only 10% of elementary schools offer Chapter 1 services during the summer. Given that Chapter 1 instruction is generally provided during times that students would receive other instruction, the overall potential to increase in instructional time is limited.

As stated in our second interim report, achievement may be improved not only by various program structures, but also through parental involvement and school-wide approaches. Involving parents in their own children's education is considered especially helpful. Such involvement, according to the Chapter 1 administrators' survey, is more common in Chapter 1 districts than parental involvement in school activities and governance. However, parental involvement in the education of their children is less common in Chapter 1 schools than in non-Chapter 1 schools. Evidence from the Chapter 1 school principals' survey suggests that the proportion of parents involved in helping children with their schoolwork decreases as the concentration of poor children increases.

School-wide approaches to educational improvement are thought to enhance the achievement of disadvantaged students. One indicator of an effective schoolwide approach is the coordination between the regular and Chapter 1 programs. Our case studies indicate that the relationship between Chapter 1 services and regular classroom activities varies across schools. In some schools the two are closely related and supportive; in others, Chapter 1 programs operate as an alternative to students' regular classroom work. Among pullout programs--the most common form of Chapter 1 service delivery--the relationship between regular and Chapter 1 programs also varies considerably.

Very few districts and schools appear to use the schoolwide option provided by Chapter 1, largely because of the required contribution of local funds. Case study data suggest that districts may have difficulty generating the additional matching funds and are reluctant to concentrate their local funds in a few particularly needy schools, but prefer, instead, to spread funds to many schools in the district. Our evidence also suggests that schools electing to use this option tend not to use it to initiate comprehensive school reform activities.

Chapter 1 services to students attending private schools have changed substantially since the Supreme Court's decision in _Aguilar vs. Felton_. Prior to that decision, most private school students served by Chapter 1 were enrolled in Catholic or other sectarian schools and received services at the school they attended. While the court ruled in _Felton_ that school districts could no longer send Chapter 1-paid teachers or aides into private sectarian schools, Chapter 1 continues to require that these students receive services that are equitable to those received by their public school counterparts. By the 1986-87 school year, the vast majority of these districts moved their Chapter 1 services for these students from the private schools they attended to a public school, a mobile van, another site off the premises of a private school, or some combination of these service locations. The number of private school students receiving Chapter 1 services at the start of the 1986-87 school year was about 28 percent lower than the number of such students receiving Chapter 1 services during the 1984-85 school year, the year prior to the _Felton_ decision.

The Administration of Chapter 1

Chapter 1 changed Federal policy standards in several areas. In general, the effects of these changes were modest, but some effects did occur, most notably in the areas of parental involvement, comparability, and maintenance of effort.

After Chapter 1 eliminated the requirement for school districts and schools to sponsor parent advisory councils, 45 of 50 States eliminated council requirements. As a result, slightly over half of all school districts and two thirds of all schools eliminated these councils. Larger school districts were more likely to retain district councils than smaller ones. Despite the removal of requirements for advisory councils, district administrators continue to view parental involvement requirements as a burdensome aspect of the Chapter 1 law.

Federal standards for demonstrating and documenting comparability of State and local resources between Chapter 1 and non-Chapter 1 schools were eased under Chapter 1. Forty-three States have reduced these requirements although most continue to require or strongly encourage some form of comparability calculation from their districts. Most districts still calculate the comparability of Chapter 1 and non-Chapter 1 schools.

Chapter 1 also made it easier for districts to certify that they were maintaining previous levels of State and local fiscal effort and reduced penalties for not maintaining effort. Forty-three percent of school districts surveyed in 1985-86 would not have met the Title I maintenance of effort requirements for one or more school years between the period 1982 and 1986 had the requirements still been in effect.

Administrative activities and staffing have changed since Title I. At the Federal level, our assessment found increased emphasis on program improvement. Declines in Federal administrative staff and less frequent program monitoring were, according to case study interviews, attributable to changes in the law. Federal staff are no longer employed as program experts to provide technical assistance in parental involvement, needs assessment, basic skills, and target area selection; but technical assistance on services to nonpublic school students and program improvement have increased.

Administrative staff levels have declined at the State and local levels as well. Staff declines at the State level have resulted in less frequent program monitoring. But State audits have increased due to the shift to auditing procedures under the

Single Audit Act. Local administrators have not noticed decreases in State monitoring activity; they report that State monitoring and auditing activities are at least as thorough as under Title I. States continue to pay much more attention to program compliance than to program improvement activities; the attention of local administrators to program improvement varies markedly across districts.

Finally, despite the broad intent of Chapter 1 and the lessening of some administrative requirements, State and local administrators perceive little change in the administrative burden imposed by the law. One reason is that few States seem to have changed their administrative practices. The few States that now require only assurances rather than documentary evidence to demonstrate compliance, do report substantial reductions in administrative burden. In general, the perception of unchanged levels of burden may reflect the fact that there are fewer staff at State and local levels, while the administrative responsibilities have not declined to the same degree. State and local administrators continue to view Chapter 1 as a highly regulated program and view themselves as responsible for ensuring compliance.

Concluding Remarks

Title I and Chapter 1 have given State and local educators considerable discretion in shaping programs. As a result, important features of the Chapter 1 program -- selecting schools and students, designing services and administrative practices-- vary across States and school districts.

At the same time, Chapter 1 is a very stable program. While we have noted some exceptions, i.e., responses to the Felton decision or reduced parental involvement requirements, Chapter 1 practices tend not to change much from year to year. In part, this stability is due to program traditions that have grown up over the program's more than twenty year history. Rather than considering Chapter 1 alternatives each year, decisionmakers generally leave most features of the previous year's program in place. A number of factors support this stability. First, local administrators perceive the legal framework to be stable over the years and fear that dramatic changes in their programs will spark questions about compliance. Second, Chapter 1 practices often reflect the particular educational philosophies of key Chapter 1 administrators. Third, staffing patterns tend to remain stable from year to year and may inhibit dramatic program changes.

The program's stability is a strength, but it also poses challenges to you as policymakers now considering reauthorization of this program. I hope the National Assessment conducted by my office will be of assistance to you in meeting that challenge. On behalf of the Office of Research and the National Assessment's study team, I offer our technical assistance during your deliberations about reauthorizing Chapter 1. All of us at the Office of Research stand ready to work with you or your staff. Thank you for your interest.

Chairman HAWKINS. Thank you, Dr. Kilgore. The next witness is Mr. Green, Superintendent of Schools, Minneapolis, Minnesota. Mr. Green, we welcome you.

STATEMENT OF RICHARD R. GREEN, SUPERINTENDENT OF SCHOOLS, MINNEAPOLIS, MN

Mr. GREEN. Thank you, Mr. Chairman and members of the subcommittee. I am Richard Green. I am a member of the American Association of School Administrators. I am a member of their Federal Policy and Legislative Committee, which brings me to this hearing today.

The American Association of School Administrators is an organization of 17,000 local school superintendents across America and they administer programs for five million Chapter 1 students. And I am here today to say that ASA welcomes and endorses H.R. 950, the most thoughtful and comprehensive reorganization vehicle for Chapter 1 in nearly a decade.

We like this bill in AASA because it places strong emphasis on improved achievement for disadvantaged children through improved educational and instructional opportunities. We are impressed with this bill because it is not based upon the continued over-regulation of the program's day to day activities.

In our most recent AASA survey shows that more than 48 percent of the districts receiving Chapter 1 funds spend 91 percent of those funds on salaries for instruction and we are proud of that report because we believe that that is where Chapter 1 dollars are most effective.

Incidentally, I am summarizing testimony that has been provided for you in a much more longer and detailed requirement which is also available to this hearing.

AASA recently discovered how over-regulation has effected districts in another survey. We found the only Chapter 1 activity that was consistent in all 51 states and the District of Columbia was that of reading, and this is unfortunate. The over-regulation restricts the possibilities for innovation and we find that only one state permits the use of Chapter 1 funds to train staff, seven states restrict the grade levels at which services can be offered, 27 states limit the subjects that can be taught and 28 states prohibit expenditures for guidance counselors and social workers. We find that your reauthorization strategies make sense because you suggest flexibility which really is the foundation for searching for new solutions for guaranteeing the instructional pass for young people for whom we serve.

In addition, I might point out that many of the bill's provisions reflect AASA's concerns as expressed by our four regional reauthorization forums held in Washington, Indianapolis, Dallas, and Los Angeles. At those forums, administrators, teachers, parents, board members, the United States Department of Education officials, and congressional staff discussed, ranked, weighed issues surrounding reauthorization and then reached consensus on a number of those things. In particular, we in AASA are pleased to see the following provisions in H.R. 950.

We believe strongly that concentration grants for areas with high incidence of poverty is essential to the possibilities for overcoming the effects of poverty.

We believe that the new territory being broken for specific authorization for preschool programs is the most significant piece of your legislation because we concur that early intervention for the academic potential is a wise and a thoughtful course that this nation ought to be on.

We also concur that the districts which can now use up to five percent of their Chapter 1 funds for innovation unlocks the possibilities that reside at the local school districts and you may not find the uniformity that is suggested through the past research, but it is out of diversity that our strength grows.

And the elimination of local matching funds for requirements for schoolwide projects makes sense.

Soon other speakers will speak to the issues of private schools and their children. AASA strongly supports the creation of a $30 million line item for capital expenses for districts that have to provide Chapter 1 services for private school children.

We believe the creation of the new Part B Even Start literacy program for disadvantaged children and adults is a sincere attempt to address the question of a well informed nation and that the creation of movements into our secondary schools to protect the investments made at the elementary level with some eye towards dropout prevention makes sense. And a continued effort to strengthen parent participation in Chapter 1, a struggle in each school district in America but emphasized in H.R. 950, gains our strong support.

Mr. Chairman, members of this committee, we thank you again for this excellent piece of legislation and for giving AASA the opportunity to be present at the table today. We look forward to working closely with you and the subcommittee throughout this reauthorization process. I thank you.

[The prepared statement of Richard R. Green follows:]

STATEMENT OF

RICHARD R. GREEN

SUPERINTENDENT OF SCHOOLS

MINNEAPOLIS, MINNESOTA

ON BEHALF OF

THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

ON

H.R. 5, THE SCHOOL IMPROVEMENT ACT
AND
H.R. 950, THE SPECIAL EDUCATIONAL NEEDS ACT OF 1987

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY & VOCATIONAL EDUCATION

MARCH 10, 1987

Mr. Chairman and members of the Subcommittee, my name is Richard Green. I am superintendent of the Minneapolis Public Schools in Minneapolis, Minnesota. I am also a member of the Federal Policy and Legislation Committee of the American Association of School Administrators, the organization which represents more than 17,000 local school superintendents and other school executives. I am appearing before you today to present AASA's testimony on H.R. 950, the Chapter 1 proposal now before the Subcommittee.

Mr. Chairman, we enthusiastically endorse H.R. 950. We believe that you, Mr. Hawkins and Mr. Goodling, have drafted a bill which will permit significant improvement and broadening of the services currently being provided in Chapter 1 for disadvantaged children. And we find that it is consistent with the theme of the education reform movement, which has pushed decisions and accountability for programs to the school building level, where the services are delivered.

Furthermore, we see action taken in H.R. 950 on many of the concerns AASA members raised with us and with members of your staffs during our Chapter 1 and Chapter 2 regional reauthorization forums, conducted by AASA during October and December 1986.

At two-day meetings held in Washington, D.C., Indianapolis, Dallas and Los Angeles, AASA gathered together several hundred educators from all over the country to list their reauthorization priorities, rank and weight them by consensus, and then work with the existing law to come up with legislative recommendations to make to Congress. Included in our process were not only House and Senate education staff of both parties, but also private school administrators, U.S. Department of Education officials, local school board members, teachers and parents. The reauthorization recommendation document we provided to the Subcommittee in December represents a synthesis of our forum recommendations.

The issues on which the forums expressed consensus agreement were: full funding of Chapter 1; strong opposition to vouchers; support for a constitutional mechanism for delivery of services to non-public children; support for incentive grants; support for the existing comparability, maintenance of effort and supplement-not-supplant provisions; and some control on state regulatory activity.

We see in H.R. 950, the first thoughtful and comprehensive reauthorization vehicle in nearly 10 years, themes that we believe are central to our efforts to help disadvantaged children make strides in achievement.

This legislation was crafted with the same care and concern for children as the original Title I of the Elementary and Secondary Education Act in 1965. It places emphasis on improved achievement through improved instruction and administration, and not on overregulation of day-to-day program activities. It stresses accountability rather than monitoring, thereby recognizing that excess regulation makes delivery of services to children cumbersome and less effective. And it acknowledges, as Peters and Waterman did in their book, "In Pursuit Of Excellence," that overmanaged and overregulated enterprises do not succeed, that people need to be given the flexibility to be creative, if they are to be successful. Similar recommendations were made by the National Governors Association and the Carnegie Commission on Education, which strongly suggested that schools focus on "production at the work site," or--in education terms--on classroom achievement. Both the Governors Association and Carnegie recommend eliminating administrative overburden and releasing the creative energies of Chapter 1 teachers, aides and administrators.

Chapter 1 is a program that successfully drives dollars to the classroom for instruction, in numbers that far exceed the national average for instruction. A recent AASA survey of 1,588 school districts found that 762 of those districts (or 48 percent) spent 91 percent or more of their Chapter 1 grant on salaries for instruction, and that 71 percent of the districts spent more than 80 percent on salaries for instruction. According to national data collected by the Educational Research Service, 65.4 percent of total spending for elementary and secondary education was spent on instructional services in 1985-86 and 4.9 percent was spent on administration.

The message behind those figures is clear, Mr. Chairman--if we keep the paperwork requirements down and local flexibility up, we will continue to get the bulk of Chapter 1 funds into direct classroom services to children, the only proven way we know we can help those youngsters make positive gains in achievement.

With respect to H.R. 950, we are particularly pleased to see the following provisions:

1. The Section 106 Concentration Grants to give special assistance to areas with high incidence of poverty. The findings of the Education Department's latest Chapter 1 study indicate that, unless additional services such as concentration grants are brought to bear, achievement levels are adversely affected by high concentrations of disadvantaged students. We agree that the concentration grants should be a separate appropriation line item, so as not to detract from basic grant funds. And we especially look forward to the day when the Commerce Department will provide census data down to the school district level, so school districts with high poverty levels, but that happen to be located in counties with overall low poverty statistics, will be able to provide Chapter 1 services to children in need.

2. We are pleased with the specific permission granted in Section 111 (a) for preschool programs under Chapter 1. It is our desire that at some point there will be sufficient funds in preschool Chapter 1 and in Head Start to allow all at-risk children to be served during these most important formative years, because an enormous percentage of children who are "held back" in the first and second grades fail to graduate from high school. One study by the Los Angeles schools found that 80 percent of students retained in the first and second grades failed to graduate from high school. We must intervene earlier in childrens' lives to avoid ultimate failure.

3. We welcome the approval in Section 111 (b) for local districts to use up to five percent of local grants for Innovation Projects. While no one is forced to set aside this money, the authority granted by this provision gives significant added flexibility to those districts eager to innovate.

4. The elimination of the local matching requirements for Schoolwide Projects in Section 115 is especially welcome as an inducement to improve services to schools with high concentrations of Chapter 1 students.

5. We are pleased to endorse the new $30 million authorization in Section 117 (d) to help local districts pay for the capital expenses they have had to incur in providing services to private school students. We believe this provision will significantly help districts comply with the Supreme Court's Aguilar v. Felton ruling. We have discussed this provision with the U.S. Catholic Conference and with the Council for American Private Education and encourage the Subcommittee to work with those groups, as well as with public schools, if problems are projected in either the distribution of the Capital Expenses funds or in the scope of services permitted in Section 117.

6. We offer our strong endorsement for the new Part B Even Start program, which we believe will help us make significant gains in literacy for at-risk children and adults. We have been actively supporting increased participation in of parents in the learning of their children. In cooperation with the National Education Association we have been working with the Home and School Institute to promote parent involvement in child learning. We believe parent literacy and interest in reading with their children is central to promoting a child's interest and ability in reading.

7. We also welcome the specific expansion of Chapter 1 into high schools through the new Part C Secondary School Programs for Basic Skills Improvement and Dropout Prevention. This new program recognizes that Chapter 1 must continue to follow at-risk young people through their entire school experience, as long as they remain at-risk. A few gains made in primary grades won't ensure a better future, unless we continue to follow up on those gains and cement them firmly in place throughout the upper grades.

8. Finally, we support the parent participation language in H.R. 950. The long-term success of Chapter 1 depends in large part on the continued support and participation of parents. As we noted earlier, research evidence is clear on the importance of parents in their children's learning activities. H.R. 950 strikes a good balance for parent participation in program planning and, more importantly, in the learning of their children.

As enthusiastic as we are about H.R. 950, we do have a few recommendations for modifying certain provisions of the bill. We will provide specific language to your staff later, Mr. Chairman.

First, we believe the National Longitudinal Study mandated in Section 186 should be conducted by the National Assessment of Educational Progress, which has an established track record in such studies. Part of our concern with the longitudinal study is that the evaluation design depends on comparing eligible children served with eligible children not served. This design is sound, if you accept the premise that a significant percentage of disadvantaged children will always be unserved. The goal of H.R. 950, which AASA strongly supports, is eventual full funding for Chapter 1. At some point we fervently hope that there will be no comparison group. Thus, we favor a design that allows longitudinal comparison of achievement without the assumption that some children will always be unserved.

Second, we recommend that both federal and state regulations promulgated under Chapter 1 be developed by means of the "negotiated rulemaking" process conducted by the Federal Mediation and Conciliation Service. That agency is based in Washington and has offices in each state capital and would therefore be well suited for implementing the negotiated rulemaking process at both the federal and state level for Chapter 1. All interested parties--the U.S. Education Department, local and state school superintendents, local and state school boards, teachers, private school administrators and parents--would be represented in the process, thereby ensuring that the regulations adopted would have a consistent purpose, broad support and successful implementation.

We believe this process is necessary, because of feedback we received in our forums, and because of information AASA received from a survey we recently conducted of school districts in the fifty states. We found that the only Chapter 1 activity allowed in all fifty states and the District of Columbia is the teaching of reading. All but one state permits use of local funds to train staff. However, seven states restrict the grade levels to which services can be offered, twenty-seven states limit the subjects--other than reading and math--that can be taught, twenty-eight states prohibit expenditures for guidance counselors, twenty-nine prohibit expenditures for social workers, and forty make no provision for preschool Chapter 1 services. Negotiated rulemaking, we believe, would go a long way toward eliminating these disparities among the states.

Third, we favor lowering the educationally disadvantaged threshhold for participation in schoolwide projects from 75 percent to 60 percent. A school with well over half of its students operating at a disadvantage should be allowed to take an effective schools approach toward assisting all the young people in that building.

And fourth, we are concerned that reallocation language contained in Section 111 (c) and Section 173 (b) is unclear. It is difficult for us to determine what an "excess amount" is and what exactly is being reprogrammed. It would appear to us that a state education agency, under these sections, would be able to reduce a local district's allocation, retain the difference between the maximum grant allocation and the state-determined allocation, and use it for non-instructional purposes. We believe the intent of the Subcommittee is that new or excess funds be spent on services to children in local districts. We would therefore recommend that the Subcommittee clarify its intent by stating that any funds in excess of the carryover provisions in Section 182 (b), or funds remaining at the end of the Tydings period, can be reprogrammed by state educational agencies, as long as those funds are granted to local educational agencies for instructional purposes.

Mr. Chairman, I want to thank you for giving me and AASA the opportunity to appear before you today. We are grateful for the leadership you and Mr. Goodling have shown through H.R. 950, and we look forward to working closely with you throughout the reauthorization process.

Chairman HAWKINS. Thank you, Mr. Green. Next is Bishop William A. Hughes. We welcome you, Bishop Hughes, and you may proceed.

STATEMENT OF MOST REV. WILLIAM A. HUGHES, D.D., BISHOP OF COVINGTON, KY, AND CHAIRMAN OF THE COMMITTEE ON EDUCATION, U.S. CATHOLIC CONFERENCE, ACCOMPANIED BY RICHARD DUFFY, REPRESENTATIVE FOR FEDERAL ASSISTANT PROGRAMS; JOHN LIEKWEG, ASSOCIATE GENERAL COUNSEL; AND JOHN RICE, THE EDUCATION COORDINATOR FROM THE LOUISIANA CATHOLIC CONFERENCE

Reverend HUGHES. Thank you, Mr. Chairman. I appreciate very much the opportunity to speak as the Chairman of the United States Catholic Conference Committee on Education. I am accompanied today by Mr. Richard Duffy, Representative for Federal Assistant Programs; John Liekweg, Associate General Counsel; and John Rice, the Education Coordinator from the Louisiana Catholic Conference. We all thank you for providing us the opportunity to present our views to this subcommittee.

I speak today on behalf of the 2,800,000 children who attend the 9,245 elementary and secondary Catholic schools in this country, as well as for the millions of people, parents and others who support them. My statement today is meant to offer you the recommendations of the Catholic school community as they relate to the revision and extension of the Chapter 1 program of the Education Consolidation and Improvement Act of 1981.

Mr. Chairman, I would like to address my remarks this morning largely to H.R. 950, the Special Educational Needs Act of 1987, a bill which has been sponsored by you and Mr. Goodling. I understand that among the various concerns this bill addresses, there are proposals to amend and extend the Chapter 1 program which provides Federal assistance to meet the special educational needs of educationally disadvantaged children. However, before I begin, I would like to take this opportunity to congratulate this subcommittee and its leadership, Chairman Hawkins and Congressman Goodling, for their concern and interest in the education of our nation's young people and for continuing to include eligible children attending private and parochial schools as beneficiaries in the programs authorized by this Act.

For over twenty years, the ECIA Chapter 1/ESEA Title I program has helped countless millions of educationally disadvantaged children in both public and private schools by providing them with specially designed compensatory educational services.

It was relatively easy for ESEA to help children enrolled in the public schools. The Federal Government simply contracted with public school systems to do the extra work needed—to identify eligible students, develop a plan to help them, and to deliver the service. But helping children in private schools was more difficult. To avoid Establishment Clause concerns, a "child benefit" approach was adopted in which help was provided directly to the student rather than to the sectarian school. For example, such services as transportation and school lunch have been recognized as benefiting the child. This approach was adopted for Title I services and for twenty years, public school systems provided such services to qualified students attending sectarian schools.

In over 97 percent of the cases, public schools sent their Title I or Chapter 1 teachers to service students at the private schools, using special classrooms set aside for the program's use.

In these 20 years, Catholic inner city schools have proved to be extremely good at educating low-income minority students, many of whom in increasing numbers are non-Catholics. This very successful program for eligible educationally disadvantaged private school students was virtually destroyed by the *Aguilar* decision on July 1 of 1985. The Supreme Court ruled that public schools could no longer send teachers onto the private school premises to provide Chapter 1 services.

Since the *Aguilar* decision, the number of private school children participating in Chapter 1 for the 1985-86 school year dropped drastically by 40 to 50 percent from the previous year. Local educational agencies, taken by surprise by the timing of the court decision, searched for effective alternative ways of delivering these services to eligible private school children. However, many LEAs were unable to devise an acceptable alternate plan and chose only to serve public school children. Other LEAs, after considerable planning, worked out arrangements to serve private school children but began to do so late in the 1985-86 school year.

Currently, some LEAs are providing Chapter 1 services to private school children in mobile educational units or at leased neutral sites. Others are busing private school children to public schools or are providing chaperones to escort the children walking to and from the nearest public school.

In many cases, these latter two alternatives have proven to be particularly disruptive to the regular academic program of these needy students. Need we point out that these are the very children who can least afford to lose precious instructional time.

Still other LEAs are using computer assisted instruction as a way to provide Chapter 1 services to private school children.

Increased costs incurred for the variety of alternative delivery mechanisms have seriously eroded the funding available for actual instructional services for both public and private school children. The increased costs now required to deliver services are compounded by a marked decline in the quality of instruction within the Chapter 1 program for private school children as measured by the frequency and length of instructional periods and planning, coordination and on-going evaluation.

After the experience, now, of two school terms, we find the solution of taking our students away from our schools extraordinarly expensive, educationally defective and, most important—for reasons stated by the United States Catholic Conference in its amicus brief in *Aguilar*—constitutionally objectionable. We are very anxious to restore the level and quality of participation of private school children in the Chapter 1 program to what it was before the *Aguilar* decision.

First, we recommend that school districts be allowed to provide a parental grant as an option within the Chapter 1 program. This would provide parents of Chapter 1 students an alternative method of obtaining supplemental educational services best suited for their children. The school district could provide such a compensatory educational grant equal to the Chapter 1 per pupil expenditure within the district if equitable services could not be provided in any other way.

Those parents could use the grant to purchase these compensatory educational services for their children from a public school, a private school, a private tutor, or from an institution of higher education. If other private or public school parents were dissatisfied with the Chapter 1 program, they also could request such a grant to pay for an alternative type of service.

Providing these grants to parents of eligible children attending private schools will in no way diminish the amount of funds available to LEAs for public school children. LEAs are currently required to provide services to private school children at a per pupil cost equal to public school children, whether that amount is spend on an LEA designed program or given to parents to purchase services from a private school.

Second, we urge this subcommittee to authorize new funding for the Chapter 1 program and specify that LEAs may only use these additional funds to pay for new alternative delivery systems such as mobile educational units, buses, and computer equipment and materials.

We are particularly pleased, Mr. Chairman, to see that Section 117[d] of your bill responds to this recommendation by authorizing 30 million for fiscal year 1988 and such funds as may be necessary over the next five years to help LEAs pay the capital expenses incurred in providing off-site services to private school children eligible to be served under Chapter 1. We remain concerned that these additional funds will result in increased quality of services and levels of participation for private school children who are not now being adequately served.

Third, we urge the subcommittee to specify an appropriate timeline for the Secretary of Education to investigate and resolve complaints which could lead to a bypass under Section 117 of the bill. A mandatory timeline would expedite the bypass where it deemed necessary to prevent undue delay in providing Chapter 1 services to private school children.

Fourth, after *Aguilar* the need for timely and meaningful consultation by LEAs with private school representatives has become more imperative for the development of practical and effective delivery systems. We recommend that Section 117 be amended to include a specific consultation requirement.

Finally, we address the ECIA Chapter 2 program. In 1981, Congress consolidated some twenty or more programs into a single program under Chapter 2 with three broad purposes. Chapter 2 has also given broad discretion to LEAs on how to use these funds. The consolidated program authorized by Chapter 2 has been the most equitable program for all eligible children regardless of where they attend school. We do recommend increased funding for this program.

We are pleased to see that Part C, Secondary School Programs for Basic Skills and Dropout Prevention, has proposals addressing the special needs of high school students. Too often our high school students are treated as orphans when it comes to sharing in the benefits of Federal assistance programs.

Again, we thank you, Mr. Chairman, for the opportunity to share our concerns relevant to H.R. 950, the special educational needs. I am deeply grateful that you have provided this opportunity and I welcome questions for clarification as you approach this challenging responsibility. I thank you as well for the opportunity of submitting the full text, the written statement, for the record. Thank you very much.

[The prepared statement of Rev. William A. Hughes follows:]

TESTIMONY OF

MOST REVEREND WILLIAM A. HUGHES
CHAIRMAN, COMMITTEE ON EDUCATION

ON BEHALF OF THE
UNITED STATES CATHOLIC CONFERENCE

BEFORE THE HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND
VOCATIONAL EDUCATION
UNITED STATES HOUSE OF REPRESENTATIVES

ON
H.R. 950
THE SPECIAL EDUCATIONAL NEEDS ACT OF 1987

WASHINGTON, D.C.
(MARCH 10, 1987)

Mr. Chairman, members of the Subcommittee, I am Bishop William Hughes, Bishop of the Diocese of Covington, Kentucky and Chairman of the United States Catholic Conference Committee on Education. I am accompanied by Mr. Richard Duffy, Representative for Federal Assistance Programs, John Liekweg, Associate General Counsel, and John Rice, Education Coordinator from the Louisiana Catholic Conference. We thank you for providing us the opportunity to present our views to this Subcommittee.

I speak today on behalf of 2,800,000 children who attend the 9,245 elementary and secondary Catholic schools in this country, as well as for the millions of people, parents and others who support them. My statement today is meant to offer you the recommendations of the Catholic School community as they relate to the revision and extension of the Chapter 1 program of the Education Consolidation and Improvement Act of 1981.

Mr. Chairman, I would like to address my remarks this morning largely to H.R. 950, the Special Educational Needs Act of 1987, a bill which has been sponsored by you and Mr. Goodling. I understand that among the various concerns this bill addresses there are proposals to amend and extend the Chapter 1 program which provides federal financial assistance to meet the special educational needs of edcucationally disadvantaged children. Before I begin, however, I would like to take this opportunity to congratulate this Subcommittee and its leadership, Chairman Hawkins and Congressman Goodling, for their concern and interest in the education of our nation's young people and for continuing to include eligible children attending private and parochial schools as beneficiaries in the programs authorized by this Act.

For over twenty years the ECIA Chapter 1/ESEA Title I program helped countless millions of educationally disadvantaged children in both public and private schools by providing them with specially designed compensatory educational services. From its beginnings as Title I of the Elementary and Secondary Education Act, the program was designed to help educationally disadvantaged children overcome their learning difficulties, and recognized that some of the children who needed and qualified for help attended Catholic and other denominational schools.

It was relatively easy for ESEA to help children enrolled in public schools. The federal government simply contracted with public school systems to do the extra work needed -- to identify eligible students, develop a plan to help them, and deliver the service. But helping children in private schools was more difficult. To avoid Establishment Clause concerns a "child benefit" approach was adopted in which help was provided directly to the student rather than to the sectarian school. For example, such services as transportation and school lunch have been recognized as benefitting the child. This approach was adopted for Title I services, and for twenty years public school systems provided such services to qualified students attending sectarian schools. In over 97% of the cases, public schools sent their Title I or Chapter 1 teachers to serve students at the private schools, using special classrooms set aside for the program's use. Since 1965, Title I and Chapter 1 programs have helped more than 1 million students enrolled in Catholic and other sectarian schools, with each child receiving about four years of supplementary instruction. Congress paid public schools approximately $4 billion to provide these services.

In these twenty years Catholic inner city schools have proved to be extremely good at educating low-income, minority students many of whom in increasing numbers are non-Catholic. Some of the nation's most respected education analysts, such as the University of Chicago's Dr. James Coleman, have concluded that Catholic schools have done the best job with this group of students. Our Catholic school leaders believe that the Title I and Chapter 1 program has played an important role in that effort.

This very successful program, for eligible educationally disadvantaged private school students, was virtually destroyed by the Aguilar decision on July 1, 1985. The Supreme Court ruled that public schools could no longer send teachers onto the private school premises to provide Chapter 1 services.

Since the Aguilar decision the number of private school children participating in Chapter 1 for the 1985-86 school year dropped drastically by 40 to 50% from the previous year. Local educational agencies taken by surprise by the timing of the decision searched for effective alternative ways of delivering equitable Chapter 1 services to eligible private school children. However, many LEAs were unable to devise an acceptable alternate plan and chose only to serve public school children. Other LEAs, after considerable planning, worked out arrangements to serve private school children, but began to do so late in the 1985-86 school year.

Currently some LEAs are providing Chapter 1 services to private school children in mobile educational units or at leased neutral sites. Others are busing private school children to public schools or are providing chaperones to escort the children walking to and from the nearest public school. In many cases, these latter two alternatives have proven to be particularly disruptive to the regular academic program of these needy students. Need we point out that these are the very children who can least afford to lose precious instructional time. Still other LEAs are using computer assisted instruction as a way to provide Chapter 1 services to private school children. Increased costs incurred for the variety of alternative delivery mechanisms have seriously eroded the funding available for actual instructional services for both public and private school children. The increased costs now required to deliver services are further compounded by a marked decline in the quality of instruction within the Chapter 1 program for private school children as measured by frequency and length of instructional periods, and planning, coordination and on-going evaluation.

After the experience of two school terms, we find the "solution" of taking our students away from our schools for Chapter 1 services extraordinarily expensive, educationally defective and, most important, for reasons stated by the United States Catholic Conference in its amicus brief in Aguilar, constitutionally objectionable.

We are very anxious to restore the level and quality of participation of private school children in the Chapter 1 program to what it was before the Aguilar decision and our recommendations for improving the Chapter 1 program focus on this objective.

First, we recommend that school districts be allowed to provide a parental grant as an option within the Chapter 1 program. This would provide parents of Chapter 1 students an alternative method of obtaining supplemental educational services best suited for their children. The school district could provide such a compensatory educational grant equal to the Chapter 1 per pupil expenditure within the district if equitable services could not be provided in any other way. Those parents could use the grant to purchase compensatory educational services for their children from a public school, a private school, a private tutor, or from an institution of higher education. If other private or public school parents were dissatisfied with the Chapter 1 program, they also could request such a grant to pay for an alternative type of service.

This would help restore this program for private school children to its pre-Aguilar level of equity, and would save LEAs from spending excessive funds on alternative delivery mechanisms in order to comply with their statutory obligation to serve eligible private school children.

Providing these grants to parents of eligible children attending private schools will in no way diminish the amount of funds available to LEAs for public school children. LEAs are currently required to provide services to private school children at a per pupil cost equal to public school children -- whether that amount is spent on an LEA designed program for such children or given to parents to purchase such services from a private school -- neither diminishes nor increases the amount of funds still available to the LEA.

Second, we urge the Subcommittee to authorize new funding for the Chapter 1 program and specify that LEAs may only use these additional funds to pay for new alternative delivery systems such as mobile educational units, buses, and computer equipment and materials. This special funding could go a long way toward overcoming the reluctance on the part of some public school authorities toward implementing these new alternative methods of providing services to private school children.

We are particularly pleased, Mr. Chairman, to see that Section 117 (d) of your bill responds to this recommendation by authorizing $30 million for fiscal year 1988 and such funds as may be necessary over the next five years to help LEAs pay the capital expenses incurred in providing off-site services to private school children eligible to be served under Chapter 1. We remain concerned that these additional funds will result in increased quality of services and levels of participation for private school children who are not now being adequately served. To this end we will continue to scrutinize the bill and may suggest additional amendments as the legislative process progresses.

In this era of budget deficits it may be of interest to this Subcommittee that the private school community's commitment to the Chapter 1 program has generated significant contributions from private schools. To make the program work, the private school community has contributed the time and work of our diocesan coordinators, school principals and teachers who worked with the Chapter 1 staff providing the Chapter 1 services to children attending our schools. We donated our classroom space, utilities, maintenance, and even our furniture to make the programs work. We gave over to the public schools control of part of our facilities -- an estimated 8000 classrooms per year. Even valued at only $200 per month, this meant that our inner-city schools contributed $16 million each year to make this program work - $320 million over the past twenty years. The Supreme Court has prevented us from continuing to make this contribution to Chapter 1. The Chapter 1 program will now have to cover this additional expense for off site programs.

Third, we urge the Subcommittee to specify an appropriate "timeline" for the Secretary of Education to investigate and resolve complaints which could lead to a bypass under section 117 of the bill. A mandatory "timeline" would expedite the "bypass" where it is deemed necessary to prevent undue delay in providing Chapter 1 services to private school children.

Fourth, after Aguilar the need for timely and meaningful consultation by LEAs with private school representatives has become more imperative for the development of practical and effective delivery systems. We recommend that section 117 be amended to include a specific consultation requirement.

The recommendations we are seeking, if adopted by the Subcommittee and enacted into law, would help restore equitable Chapter 1 benefits to private school children and repair the harm wreaked on the Chapter 1 program by the Aguilar decision.

Finally, we address the ECIA Chapter 2 program. In 1981 Congress consolidated some twenty or more programs into a single program under Chapter 2 with three broad purposes. Chapter 2 also gave broad discretion to LEAs on how to use these funds. The consolidated program authorized by Chapter 2 has been the most equitable program for all eligible children regardless of where they attend school. The private school community rates Chapter 2 as the most equitable program for their children. Consequently, we urge the Committee to retain the Chapter 2 program as it currently is formulated. However, we do recommend increased funding for this program.

We are concerned about certain proposals to amend Chapter 2 which would restrict the use of these funds to specific programs and possibly designate percentages of the Chapter 2 allocation to be expended on them. Such restrictions will, in our opinion, seriously impact on the participation of our children in the Chapter 2 program.

We are pleased to see that Part C, Secondary School Programs for Basic Skills and Dropout Prevention has proposals addressing the special needs of high school students. Too often our high school students are treated as orphans when it comes to sharing in the benefits of federal assistance. Many of our high school students, particularly in our inner-cities, are in need of supplemental educational programs. We recommend that Part C of H.R. 950 be amended to require the participation of eligible students attending private secondary schools in a manner consistent with the provisions of 117 Part A.

I would also like to call to your attention that the United States Catholic Conference is concerned about the kinds of programs which might be authorized under Part C. We will continue to evaluate that aspect of the bill as it moves through the legislative process.

Again, we thank you Mr. Chairman, for the opportunity to share our concerns relevant to H.R. 950, the Special Educational Needs Act of 1987.

Mr. Chairman, I request permission to submit my statement for the record.

Chairman **Hawkins**. Thank you, Bishop Hughes. In your prepared statement, Bishop, you referred to parental grants. Are you, in that sense, referring to the so-called vouchers that have been proposed in various ways in the last several sessions?

Reverend **Hughes**. I think we are here for a parental grant for this specific purpose, which is to aid the educationally and economically deprived children. Not addressing here the voucher concept as it might refer to all of the children attending the nonpublic school—that is a different concept from this which is a more limited parental grant for children who qualify for these specific purposes.

Chairman **Hawkins**. Your's is a very limited grant to the parents which would give them the opportunity to shop in the open market for the educational services. Is that a——

Reverend **Hughes**. Exactly.

Chairman **Hawkins**. Good description of it?

Reverend **Hughes**. Exactly.

Chairman **Hawkins**. Is that in lieu of the amount of money which we provide, the $30 million, or is it in addition, a set-aside, which we have provided for use in any way that constitutionally can be provided. Is it one or the other, or does it include both?

Reverend **Hughes**. Seems to me—and let me speak for a moment on this—it includes both. If I am informed correctly, it seems to me that 30 million is mostly for capital expenditures which would purchase maybe mobile units or the computer that would fulfill maybe a one time need for providing the services. I think the rest of the educational teaching and so on would be on that regular per pupil basis that all students that qualify under Title I receive—that is, the LEA receives it to provide the service.

Chairman **Hawkins**. You think, then, that the grant of 30 million is too limited, that it should be extended to provide other types of services—services as opposed to actual capital investments?

Reverend **Hughes**. Pardon me, Mr. Duffy would like to respond to that.

Mr. **Duffy**. Congressman, we do not—there are school districts at the moment, no matter what alternative delivery system they concoct or defise, they have to get approval from the state education agency. There are several districts out there—and I will tell you, a good many districts out there—who have investigated the use of mobile vans—they are too costly—who have investigated busing the children back and forth—the time is too long and it is extremely disruptive. They have investigated leasing neutral sites, but they cannot find any at a reasonable cost in close proximity to the private schools.

In such cases, the children in the private sector and those LEAs are totally without Chapter 1 services. Providing a voucher to parents, or an educational grant, or whatever you want to call it—these parents then could purchase supplementary compensatory educational services for their children. It would be, as Bishop said, in addition to the 30 million which you are author—reauthorizing or authorizing for this purpose.

If you increase the 30 million to 60 million, it would only still cover the capital expenditures which local school districts must lay out for alternative delivery systems but still, it would not meet the needs in LEAs which find these delivery systems prohibitive and not equitable to provide services to our children.

Chairman **Hawkins**. Well, would you say that if the money is provided, would you assume the same rules and regulations as the public schools? Would you be willing to do that?

Mr. **Duffy**. What rules and regulations are you referring to?

Chairman **Hawkins**. All the rules and regulations that govern public schools.

Mr. **Duffy**. Such as? Could you be more specific?

Chairman **Hawkins**. Well, I could go on for maybe a half an hour, but let us just confine it to a few of them—the selection of teachers, the manner in which antidiscrimination regulations are enforced, the acceptance of any child or let us state it in the negative—the opportunity to refuse a child that may present oneself to the school or the opportunity to dismiss, to discipline, to instruct children in the school—in other words, the same rules and regulations that we insist that the public schools abide by. We would assume that the private or parochial school would also place itself in the same position as a public school. And let us say—here is a child that may present serious problems, that may be in a school that does not have facilities for a handicapped child who may present oneself, you would have to accept that—these are some of the practical situations that I am simply saying. Would these prevail also, provided you got the appropriated Federal money?

Reverend **Hughes**. I think in general that the non-public school community has welcomed those kind of regulations. Normally, they provide a guarantee to the parent that they will—the child will be receiving quality instruction, the teachers are equally well prepared, that the facilities are there for good instruction. And I think, from the experience over the past 20 years, we have found that the participation in the ESEA Chapter 1 has been to a high degree in our large cities where we have many minority students and a good percentage of non-Catholic students.

What our research has indicated is the large cities, such as Chicago, New York, we have a good percentage of minority participation, many non-Catholics, and the community itself has benefited from that kind of, well, regulation which has opened the school to those who are not of Catholic faith.

Chairman **Hawkins**. I see. Thank you, Bishop.

Dr. Kilgore, you left an impression, it seems to me, that there were a substantial number of high achieving students benefiting from Chapter 1. May I ask you the—to give some estimate of what you call a large percentage who apparently may not even be eligible for Chapter 1? And, if they are not eligible, then I am quite sure that your enforcement responsibilities would come into play and you could do something about it. But, what is the source of your information——

Dr. **Kilgore**. Let me, first——

Chairman **Hawkins**. About the number, the high number of high achieving students somehow benefiting from Chapter 1 who possibly should not even be in the program?

Dr. **Kilgore**. Yes, sir, Mr. Chairman. I do not recall every having used the word "large" in terms of the proportion of high achieving students receiving Chapter 1 aid. We have always said that there are "some" students whose scores are above——

Chairman HAWKINS. But one or two might be some. Do you have any——

Dr. KILGORE. 10 percent.

Chairman HAWKINS. Any idea what you——

Dr. KILGORE. 10 percent. Yes, sir, 10 percent of the students who are in Chapter 1 have scores above the 50th percentile.

Chairman HAWKINS. 50th percentile?

Dr. KILGORE. Yes, sir.

Chairman HAWKINS. Now, what is the source of that information?

Dr. KILGORE. This information comes from two sources, and I will ask Dr. Birman to elaborate and correct me if I am wrong here. Part of it comes from the district reports that were part of our district surveys. Even using their own standards, they have students who are above what they would consider an appropriate student for servicing in Chapter 1.

Chairman HAWKINS. They were not covered by exceptions? They were—they were——

Dr. KILGORE. It is possible, sir. For instance——

Chairman HAWKINS. They told you that they had 10 percent higher achieving students that did not meet the criteria of Chapter 1? Is that what they told you?

Dr. KILGORE. If you want the specific way the question was asked, I think Dr. Birman could explain that to us a little bit better than I. Simply put, though, we find consistently from 1976 when the original—some of the original studies on this was done—up until now, a portion of Chapter 1 students, approximating 10 percent, would be considered relatively high achieving—above the national median of 50—the 50th percentile.

Chairman HAWKINS. Is that under current Chapter 1?

Dr. KILGORE. Pardon?

Chairman HAWKINS. Are you talking about currently under Chapter 1, that 10 percent?

Dr. KILGORE. Yes, we are saying that it is consistent from 1976 on through Chapter 1.

Chairman HAWKINS. Well, 1976 would cover Title I, not Chapter 1.

Dr. KILGORE. That is absolutely right, that is what we are——

Chairman HAWKINS. But we are talking about Chapter 1.

Dr. KILGORE. Yes, sir.

Chairman HAWKINS. I am asking you specifically to pin it down to current practices under Chapter 1 and the—give us the source of the information, how you derived that 10 percent of the children.

Dr. KILGORE. Okay.

Chairman HAWKINS. In effect, not eligible for the program.

Dr. KILGORE. Yes, let me clarify one thing and then I am going to ask Dr. Birman to give you the specifics on how the data were collected.

It is not fair, really, either to the districts, or the schools, to suggest that these are children clearly not qualified. One thing in particular can occur that we might understand, provided in the grandfathering clause for students. Children can raise their achievement level in a given year and still be eligible in the subsequent year to take services. And so, when that kind of thing occurs—we would not necessarily say this is a flagrant violation.

I will let Dr. Birman, though, explain to you exactly how the data were collected so that I do not misrepresent that.

Dr. **Birman**. You are correct that our original numbers came from Title I data source; the early numbers were 10 percent in reading over the 50th percentile and about 20 percent in mathematics.

Our most recent data come from case studies in about 30 Chapter 1 districts which also show similar proportions of——

Chairman **Hawkins**. Could you move the instrument a little closer, please?

Dr. **Birman**. Sorry—which also show similar patterns of achievement, of some students being over the 50th percentile and other students that are lower achieving not being served by the program.

Now, I would like to separate that from the issue of eligibility, because we did not find any evidence that these students were not eligible for Chapter 1 according to their own district's criteria. Rather, we would like to pay some attention to the distribution of students among schools and districts and the fact that in some districts, the lower achieving students and the schools that are selected for Chapter 1 have relatively more higher achieving students than in other districts. And that would account for some of these—some of the distribution patterns that we are seeing both in Title I and carried out through Chapter 1.

Chairman **Hawkins**. Yes, but when the statement was made, particularly if it is made over television, the public gets the idea that a lot of people are chiselers on the program and that somehow the Congress is crazy in not tightening up and that the Department of Education is not doing its job of monitoring these programs. So, it reflects on all of us and gives the public a false impression. I do not think the statement should be made—if you do not have the time to give all the qualifications and the exceptions, the things that might happen to make such a situation acceptable. It just seems to me that we should be a little more careful, the way we throw these things around.

Dr. **Kilgore**. Mr. Chairman, I am very grateful that you have given me that opportunity to clarify it.

Chairman **Hawkins**. Well, yes, but ordinarily if someone made that statement over television, who in the devil would get a clarification of it? And so, you have the public misinformed about what is going on.

Well, I yield to Mr. Goodling.

Mr. **Goodling**. Thank you, Mr. Chairman.

Dr. Kilgore, I think that Chairman touched on the area that I was going to bring to your attention. In your testimony is the word "some", and then in your testimony you also use the word "relative", and I do not know that I quite understand either—but "some", I do not know how many students that is, when you say some. And "relatively high achieving students", I am not quite sure I know what relative high achieving students are either.

But if I understood your testimony correctly, basically what you are saying, that if a school—primarily because of the amount of funds they have available— decides that they are going to concentrate on grades one and two, for instance, you are basically saying that in grades three, four, and five, there may be some who are lower achievers than those who are being served in grade one and two, but the school has not chosen to go beyond grade two, simply, in most instances, they do not have the money to cover all those grades. Am I correct in——

Dr. **Kilgore**. That is——

Mr. **Goodling**. In what I am reading into your testimony?

Dr. **Kilgore**. That is one part of it. There are really two parts that you have embedded there together. The other one is to suggest, as Dr. Birman was talking about, that there may be some school districts where maybe the lowest achieving student in that school district is at the 50th percentile. In other words, that district has a very bright set of youngsters. We are saying that about 10 percent of the students that are serviced by Chapter 1 fall into that category; that is where you were asking about the "some" and the "relatively high achieving students"—about 10 percent of the students that are in the Chapter 1 program are students who are scoring at or above the 50th percentile. That is a small number. It is most likely to occur, as I said, in what we might call "high achieving school districts". (we do not identify them as such in Chapter 1), where, in context, they are the low achievers. But national speaking, they are not as disadvantaged as many other children are.

But the selection of the grades spans, as you suggest, is a very important part of why some low achievers are not selected for Chapter 1. That is correct, sir.

Mr. **Goodling**. I would think that it is difficult in a study such as yours to determine what we hear most when we are hearing testimony out in the field, that the self image of these children has increased dramatically and improved tremendously, and that would be difficult for you to measure. So, where they may not be as low an achiever, that self-image issue may be a very important issue; yet there is not much you are going to do to improve the overall status of the child unless you do something about that self-image.

Dr. **Kilgore**. Self-esteem and self-image were a little bit beyond the scope of the study insofar as how Chapter 1 had an impact on that, yes, sir.

Mr. **Goodling**. Dr. Birman, does your data allow you to say anything about the difference between rural and urban school districts with regard to how services are provided, what kind of models were used, fiscal ability to offer services for smaller groups? We had a hearing yesterday in a very, very rural area and it is a totally different setting than what some people may be used to.

Dr. **Birman**. We do have information that we could analyze with regards to both the types of services in districts according to their urban and rural status, and I believe also we could do some similar analyses with regard to the school level. We have not quite done a lot of the analyses that you might want, so I would appreciate any question, in particular, that you might have. If we have the data now, I could share it with you. Otherwise, I could submit it later for the record.

Mr. **Goodling**. Thank you.

Mr. Duffy, I had a little problem with your explanation to the Chairman. Prior to the Supreme Court decision, the public school teacher came to the private school, in all probability received mileage to do that—at least we did back in my day. Now that public school teacher would take the van and come to the private school, and he or she would not receive mileage. I do not see where the additional expenses are then, because the student then will come from the school into the van and receive the same instruction that the student received when the public school teacher went into the private school. I do understand where we got this increased expense—if we provide the money to get the van and, as I said, the teacher does not get mileage now because he or she drives that van to the private school. And the only change is, then, that the student comes outside the school rather than remaining inside the school. What am I missing?

Mr. DUFFY. There is the cost of the van itself.

Mr. GOODLING. All right, now, we provided the money for the van.

Mr. DUFFY. Well, you are authorizing 30 million.

Mr. GOODLING. Right.

Mr. DUFFY. The reality of the situation—when you have the appropriations committees come along, you never get the full authorization.

Mr. GOODLING. That is not my argument and I did not think that was your argument with the chairman. You did not get into the appropriation part of it.

Let us assume, now, we got the $30 million.

Mr. DUFFY. Okay, if the best of both—of all worlds, if you had sufficient funding there to purchase sufficient vans or whatever delivery system— alternative delivery system, both the public and the private sector work out. If you had sufficient funding, then I think we would solve all the problems.

Mr. GOODLING. Thank you. I have no other questions, Mr. Chairman.

Chairman HAWKINS. That is the idea. We hope you work with us to get that 30 million.

Mr. DUFFY. Well, Mr. Chairman, I think we need more than 30 million. I believe that——

Chairman HAWKINS. Well——

Mr. DUFFY. That New York City itself could use up all of the 30 million which you provide.

Chairman HAWKINS. Yes, well that was the department's estimate. We might negotiate a much higher level. But, if you are going to go off—the idea that you are going to get vouchers, which is certainly—this committee is not going to give you vouchers. So, it is one or the other, it is not both, as we see it. And we are not—I say that in this sense—we are trying to stretch as far as we can to meet the constitutional requirements. We would be willing to go much beyond that if we could, but we are going as far as we possibly can.

Mr. DUFFY. Yes, but in the meantime, Mr. Chairman, you still have quite a number of children out there who are eligible for Chapter 1 services who are not receiving those services.

Chairman Hawkins. Well, we would like to get more of them, but we have the Department of Education that does not want to give us what we are asking.

Mr. Duffy. Well, that is the fight between you and they.

Chairman Hawkins. Well, it is your fight, too.

Reverend Hughes. Indeed.

Chairman Hawkins. Mr. Biaggi?

Mr. Biaggi. Thank you, Mr. Chairman.

First, Dr. Kilgore, you mention with relation to Chapter 1, the two elements—intensity and timing. Clearly, you almost discredited the timing aspect of it. At minimal effect, you are talking about 10 or 15 minutes at the end of a day, and that would take some time away from other subjects. So, in my mind, that kind of discredits that aspect of it. Intensity, however, I think, is more critical. You mentioned the one to three ratio, one to four, that is excellent. It seems to me that would be more productive.

And Superintendent Green, you talk about the one area where there is improvement in D.C., reading. So, what we are really taking into question here is Chapter 1. We are really questioning the efficacy of Chapter 1 and its full impact. All I know, it is partially effective, that is what we are talking about, that is what I conclude from what you are saying. Something is radically wrong.

I think we should address ourselves to correcting Chapter 1 or implementing some changes by virtue of regulation or law, if necessary.

The flexibility aspect that Superintendent Green raises is one clearly within our purview.

But, Dr. Kilgore, what you suggest—we have two prongs, one of which is relatively minimal in effectiveness and we have to focus attention on it because its benefit is virtually non-existant, when you are talking about 10 or 15 minutes a day.

Dr. Kilgore. In our first interim report, provided Congress, we show that there were measurable additional gains that students received from Chapter 1. These measurable additional gains are quite varied across grades and across schools and districts, but I do not think that there is any evidence that I would want to present to you today that would say that it is anything less than to say that there is a benefit from Chapter 1.

Mr. Biaggi. Excuse me, doctor, we are not questioning that. I acknowledge that there is some benefit. But if you are going to establish a formula or a program, why do we not deal with something that we know is working? And clearly, the time factor, in my judgement—I am being practical, I am not a scientist——

Dr. Kilgore. I understand.

Mr. Biaggi. And to me, it is not worth a tinker's damn.

Dr. Kilgore. Well, that is certainly your judgement, sir. I think that I would weigh both the intensity and the time quite heavily. That is not a personal opinion but rather, really, built upon long periods of research, both mine and others. It is just like an added course instead of study hall, you gain something from that.

So, I would weigh those both equally. I realize that schools, in practice, have to make certain choices. But just to give you an example, a before or after school project is an option, and it is practiced in about two percent of the school districts. So, it is not to say that it is impractical, but it is to say that yes, schools do operate under certain constraints and have made choices—perhaps for very understandable reasons. It is just my obligation to show you how the practice is married, so to speak, with the research as it exists today.

Mr. **Biaggi.** I am surprised at what you are saying in the light of what we have just discussed. You are telling me the time element should be given equal weight to the intensity element. Well, you show me clearly that on one side, you are talking about a fine ratio, on the other side, you are talking about 10 or 15 minutes which at best would require the student to give up and alter some other subject. I do not understand the weight argument, but aside from that—the overall question is, Chapter 1 should be reviewed and adjusted to conform with the reality and the benefits that it was intended to produce.

On the other, Bishop Hughes—your testimony indicates that since the *Aguilar* decision, the parochial school system has been virtually devastated and questions have been raised about that whole area of education. I am familiar with it. I am from New York City and I can tell you those who are concerned about the discriminatory aspect of private school education—in the New York Archdiocese, the minority population is about 50 percent. You have Asians, you have hispanics, you have blacks. The non-Catholic population probably exceeds the minority population. So, I think the discrimination aspect of private school education should be set aside.

We are talking about a system of education that has been very productive, has worked, has invited working people who, at additional expense to them, send their children to the parochial schools for one reason—they prefer to send them to the private rather than to the public schools. I am a public school student, and I have four children. I started them off at public schools, at least the first two. I stopped—I stopped because they were not doing the job. And my income was relatively low at the time and at sacrifice to the family, we sent them to parochial schools. We were satisfied with the improved education.

That is what we are talking about, education. I am not talking about any other extraneous matter, unrelated to the education of the children. And that is what is happening in the Bronx, in my district. It is mostly hispanic and black. And they are sending their children to private school at great expense to the family.

By virtue of the *Aguilar* decision, the schools have been very negatively affected. Many children cannot participate. It is my feeling that we should do all we can to preserve that educational system. The public school system is not making the grade in many parts of our country. In other parts of the country, they are doing a great job.

Now, I have listened to your proposals. You make a distinction between parental grants and vouchers. I know the voucher system is a very controversial situation. Parental grants varies, I think—well, it does vary from vouchers and it is something that we should discuss further.

I am pleased that the chairman and Mr. Goodling have included moneys, $30 million, for the extra services in order to make you whole, as a matter of speaking, as a result of the *Aguilar* decision. But I do not know if that does the whole job.

With relation to time line and the bypass, knowing the dilatory conduct of bureaucracy, I think that is a critical element and there should be a time limit if there is going to be an adjustment to be made so that the parochial school cannot—would not be adversely affected. And the strength and the consolidation between public and private is also a laudable aspiration. I would suggest that you pursue those and the committee will take that into consideration.

But, to cavalierly dismiss your pleas for the preservation of the parochial school system is something that we should not engage in. I do not know what form of compromise this committee will arrive at, but I can assure you that this gentleman will do all he can to see that the educational system as I have known it and the parochial school system that will deliver quality education to all people— all people—is preserved.

The Chairman asked a very pointed question, and the Bishop responded. I did not think there would be any other response—you would follow the rules of the public school system. I know there is not discrimination in the parochial school system. Witness the live evidence of tens of thousands of young folks, I think it is important that we—one, not lose sight of our principal objective, providing quality education for our children. While we are doing that in the parochial schools—clearly, this committee has worked constantly to provide improved quality of education—in the public school system as well. There is a consciousness that has developed in our country about the public school system and education in general. And hopefully, that consciousness will manifest itself in a very substantial and productive form, so that we need not be concerned about what is quality and what is inferior. There is no place for inferior education in this country. But until we meet the challenge and meet it honestly, and not get locked into ideological positions, we have a job to do.

Thank you, Mr. Chairman.

Chairman **Hawkins**. Mr. Bartlett?

Mr. **Bartlett**. Thank you, Mr. Chairman. Mr. Chairman, I would say to my colleague and friend from New York that I have a great deal of sympathy and appreciation and agreement with what the gentleman from New York has been saying. I want to take some of those statements and word them into some questions. I want to be certain that we have on the record that—precisely what the testimony is of Bishop Hughes and Mr. Duffy with regard to what we should do and what you believe that we should do for the best interests of the Chapter 1 students and who may go to private schools.

Mr. Duffy, I am going to oversimplify what I thought I heard you say, but perhaps not—and ask you to clarify it if you could.

I almost heard the implication that you said that if we could just fund the alternative delivery systems—that is to say, the vans—what appears to be everyones' second choice for the provision of education, then that would be all right. I wonder if both of you could sort of turn that around and help us to focus on the education of the students themselves.

If you were faced, as we are, with the choice between a parental grant system for the provision of Chapter 1 services or the provision of those services through the ways around—and we have all developed as a last resort, frankly— that is to say, the vans and the computers and the hardware and the technology—looking at it from the viewpoint of the students, in which method does the—do the students receive a better education and a better chance at a successful life?

Mr. Duffy. I would say the students would receive a better education if they remained at their home school. There would be better coordination between the services received through Chapter 1 teachers and the regular teachers, their regular classroom teachers. Right now, that coordination is not existent. There seems to be an interpretation of the court's decision that the public school teacher now providing the services cannot even communicate with the regular classroom teacher in the private school.

Now, if you look at the voucher, I think if you went voucher or educational grant, it would be a tremendous saving of funds for both the public school community and the private school community. You are still serving the same number of children. You would cut out the excess cost of mobile vans, leased neutral sites, buses, you would still spend the same amount of Chapter 1 funds on the private school children as you currently are spending without all of the additional costs for bandaid type of approaches.

And, as Mr. Bartlett said, you would have a better quality education for these children.

Mr. Bartlett. Would that education be significantly better, in your judgement?

Mr. Duffy. On their home site? Yes, you would avoid the disruption of the regular classroom program.

Mr. Bartlett. But, do you have any way of describing what you believe the effect on school children and disadvantaged school children in private schools would be if Congress were either to do nothing or to only provide the alternative delivery systems, and not seek a way to constitutionally cure *Felton*, to permit a student a parental grant system?

Mr. Duffy. Well, if Congress did nothing, you would have the status quo which we have at the moment. We have close to, between 30 and 40 percent of our children not receiving services. You will have public school districts expending large sums in trying to come up with alternative delivery systems.

Mr. Bartlett. Of the children who receive services, did they receive better education or worse or the same?

Mr. Duffy. I think they would receive worse education because they are out of an environment in which they are very comfortable, their home school. Then they have to spend considerable amount of time traveling back and forth from their home school to the public school. And if you try and do that in St. Paul, Minneapolis, in the dead of winter, you have second or third grade students walking back and forth—they have to bundle up before they leave, they have to unwrap, they have to bundle up and then unwrap again, besides the distance back and forth.

So, it would—it is a total disruption of the educational program of the child. And what we are——

Mr. BARTLETT. Let me ask you to make sure I understand, you are saying the current system of alternative delivery, so called alternative delivery systems——

Mr. DUFFY. That is correct.

Mr. BARTLETT. Is a total disruption of the education of the child? Is that what you said?

Mr. DUFFY. In the way it is operated in some school districts, yes.

Mr. BARTLETT. Let me explore with you what could be a way out of what should not be a political question, it should be strictly an educational question. No politics should at all be involved, but sometimes when things get to Washington, there are all kinds of political overtones.

If we were to construct a way in this Congress where we would provide that option of parental grants, an educational grant, which you testified would provide much better education for those students, those individual students, and we were to leave that in some mechanism at a local option kind of basis for the local public school board to implement, in your judgement, would that begin to resolve the problem? That is, to say, would most school boards come to a suitable agreement, taking the politics out of it, with the local private schools?

Mr. DUFFY. If you remove the politics from it, I think that is one approach.

Mr. BARTLETT. And one last question, are you satisfied that the parental grant proposal that you are proposing would meet constitutional muster?

Mr. DUFFY. We have every indication that it would, but I would leave that question to respond to our attorneys.

Mr. BARTLETT. Could you provide us with, for the record, perhaps some precise language that you would propose, whether it is different than or the same as or similar to the administration's new proposal? I understand you are not endorsing the administration's last year's proposal, but this year's proposal. If you could provide us with some language and perhaps with a legal brief as to how it passes constitutional muster, I think it would be very helpful to this committee and to this Congress.

Mr. DUFFY. We will see what we can do on that.

Mr. BARTLETT. And just one last comment to you, it is not in the form of a question but a form of a statement and we have talked about it before—like Mr. Biaggi—I very much hope that you stick to your principles on this one. In my judgement, a majority of Congress and a clear majority of this committee want to do what is right for the students themselves, and we sometimes let politics get in the way. But if you, as educators, would come and stick to your principles and stick to your guns and speak up on behalf of the education of those students in developing this bill, I think you could be of some substantial assistance.

And if what you mean to say is that for us to merely fund alternative delivery systems may ease the budgets of some schools but would not help students all that much, well, say it. Because we need to hear it.

Thank you, sir. Thank you, Mr. Chairman.

Chairman HAWKINS. Mr. Green, were you seeking recognition on— well, I thought you were seeking to respond to the question.

Mr. **Green**. I would be glad to respond to a question.

Chairman **Hawkins**. Would you wish to make a statement in reference——

Mr. **Green**. The American Association of School Administrators did not raise the voucher issue in its commentary because of its devicive nature and because that the country's future does not reside in private or parochial schools.

We thought that that conversation is one that is now passed. And unless we can work together, not in the direction of vouchering education and becoming more divided as a nation, but working together for the course of universal public education, we think that the nation's health is at risk.

You might note in my other testimony that I did not read today, what occurred at our forums—and as long as a discussion has erupted in this committee today, let me read from my original testimony.

In the forums in Washington, Indianapolis, Dallas, Los Angeles, several hundred educators from all over the country listed their reauthorization priorities. The issues on which these forums expressed consensus agreement were full funding of Chapter 1; strong opposition to vouchers; support for a constitutional mechanism for delivery of services to non-public children; support for incentive grants; support for existing comparability, maintenance of effort and supplemental not to supplant provisions; and control over state regulatory activity.

I want that read into—I want that as a public statement because this morning, we chose on purpose not to raise the issue of vouchers. We think it is a very, very devicive, unhealthy and nonproductive discussion.

And incidently, we are prepared to not only compete on the issue of choice and any other incentive provision provided that private and parochial schools come under the same rules as public schools do in this Nation, including the desegration of non-public and parochial schools—and incidently, we are prepared to respect the mission, which are different, the mission of public, private and parochial. So, to some extent, in representing a majority of the school districts in this Nation, there is a concern, from the tenure of the discussion, that we think is a discussion that has passed.

And yes, the country is built on the basis of diversity of ideas, the Congress' relationships are build on diversity and we respect that. But we do not respect the continued education bashing between public and non-public schools because children are in each of those systems and professional educators who dedicated their lives to making a difference in Bronx, in the public schools in the Bronx, but cannot predict the clients that come to those schools— their commitment is so strong, it cannot be tested as to whether or not the quality can measure up because of the conditions of poverty. And for AASA, I speak, and not for myself. We expect continued collaboration, but any incentive grant by any other label—and for example, revenue enhancement is a term you used in Washington today to avoid the discussion of raising taxes in our society—we hear this parental grant and we call it a voucher in AASA. And it does not take on any other complexion and it leads to an end that is not a public end. And it does have financial implications for public schools across this country and it does raise some serious, I believe, constitutional issues.

And finally, just let me say out of respect for my distinguished colleagues from the Department of Education, I have not seen your research but it appears to be a highly flawed presentation when describing that the majority view which the public will pick up, that there are large numbers or some numbers or a few numbers of students that are in our Title I programs who are legally there but who appear to be achieving above the norms that are normally expected. That ought to be viewed as a healthy condition for Chapter 1 rather than viewed with suspicion, as presented here this morning.

And on the part of AASA, I do take issue with that perspective, but I do not—I have not seen the research, would be glad to take it to our Federal Policy Committee, but believe it to be, on the part of my experience, to be highly flawed and biased and representing a broad perscription for what the future ought to be.

Finally, Chapter 1 was never developed along the research design as proposed, I have not seen it but the original Title I was not based on a research design so it is very difficult to listen to judgements about something that was not intended to—necessarily developed along the lines of the design that Congress is asking for. I think you ought to make that clear in your synopsis that the Chapter 1, Title I had certain missions and how they achieve those missions. This research does not reflect, it reflects time on task, whether or not people make a difference, and so on.

I thank you for the opportunity to make those comments.

Chairman HAWKINS. Thank you.

Mr. Hayes? We are trying to call on the basis of seniority. I cannot keep up with the members as they come in and out. So, we'll just have to go with seniority.

Mr. HAYES. Thank you, Mr. Chairman, but I have no questions or comments.

Chairman HAWKINS. Mr. Solarz? If you yield your position, then Mr. Solarz was next.

Mr. SOLARZ. Thank you very much, Mr. Chairman.

Bishop Hughes, I just want to make sure I understand the exact nature of your proposal on vouchers. Are you saying that you would like to see vouchers made available only for those students currently enrolled in non-public schools who meet the Title I, Chapter 1 criteria?

Reverend HUGHES. I must confess, the word parental grant was specifically chosen rather than voucher because it has a very limited purpose. It would be open only to those parents whose children qualify under those conditions for Chapter 1.

Mr. SOLARZ. Whatever we call it, say, parental grant, would it be available—only to those parents whose children are now in non-public schools or would it be available to the parent of any child?

Reverend HUGHES. It would be available to the parent of any child who qualifies for Chapter 1 assistance, whether they attend a public, non-public, or sectarian school.

Mr. SOLARZ. And what would be the size of the parental grant?

Reverend HUGHES. Presently, it would be equal to the per pupil amount that is spent under Chapter 1 for each student.

Mr. SOLARZ. And that is?

Reverend HUGHES. It varies really, from state to state and from LEA to LEA. It is not a universal amount equal across the board.

Mr. SOLARZ. Right, and is there any difference between what you call a parental grant and what has previously been characterized as a voucher?

Reverend HUGHES. Glad to have the opportunity to speak to that because that word voucher always raises red flags and that type of thing. And I think, when voucher is used most commonly, we are talking about a grant to parents of all students who may purchase educational services at either a public, non-public, sectarian school. So, it usually is a broader approach than this limited approach that we are speaking about when we talk about a parental grant, only to those students who qualify for Chapter 1.

Mr. SOLARZ. Presumably, if your recommendation were adopted, we would have to have to reorient the Chapter 1 program. Instead of providing money directly to the LEAs, it would go to the parents of the children who are eligible and then they would decide what to do. If their children went to public school, they would give the money to the public school. If they went to a non-public school, they would give it to the non-public school. Is that correct?

Reverend HUGHES. That is correct, although when we talk about giving it to the non-public school, the parent would purchase those services at the non-public school.

Mr. SOLARZ. Right. I gather that politically this proposal is not in the cards. I have to confess to very mixed feelings about it. I mean, on the one hand, I am very sympathetic to the needs of the children who go to the non-public schools. I think they are as entitled to our concern as the children in public schools. I know, in my district in particular, there has been a real problem as a result of the *Aguilar* decision. I am told, for example, that in the Catholic schools, there has been a decline of 60 percent of the number of students served by Chapter 1. In the yeshivas, there has been a decline of 75 percent. And I have thousands and thousands of students in my district that are in parochial schools and in yeshivas.

At the same time, obviously we do have a primary commitment to the public schools. And one of my concerns about your proposal is the extent to which, if it were adopted, parents whose children are now in the public schools who decided to send their children to the non-public schools would in effect be taking moneys now available to the public schools away from the public schools. It seems to me that it would result in a net reduction in resources going to the public schools for these educationally disadvantaged children. This is distinguished, from tuition tax credits, which is a separate issue, where the benefits that go to the parents of non-public school students are not directly subtracted from the resources available to the public schools.

So, how would you respond to this concern—that through a system of parental grants, you would end up reducing the total resources available to the public schools for educationally disadvantaged children?

Reverend HUGHES. I would say, first of all, I think that is merely a conjecture to be of the opinion that those students who are now in public schools in great numbers would choose to purchase that service at a non-public school, I do not think, is real. I think we are talking about money that is limited for a specific purpose to only those children who now qualify for that service.

So, I do not see a great amount of money being taken from the public school and given to the children if they go elsewhere, because they still would have to be spending a lot of money to get the rest of their education at the non-public school. That would have to be a parental choice to do that other spending, so I do not feel that, in great numbers, they would take that option because that is only a small part of their education.

Mr. **Solarz**. Well, I do not suppose anybody knows for sure what the numbers would be. But to the extent there was any movement, and presumably there would be some, it would—would it not represent a decline in the resources available—to the public schools?

Reverend **Hughes**. Yes, but I think it ought to be clear that it is only for that one purpose. It is not taking money the public school would be spending on general education for those particular students but only for those particular compensatory services such as remedial reading, remedial math, which is what this is provided for.

Mr. **Solarz**. Let me ask you two other questions, if I might, Bishop.

The first is—on the $30 million to help defray the costs of *Aguilar*, I gather you testified that, in your view, 60 million would not be sufficient. But it is not clear to me whether that means you are satisfied with the 30 million or you would like to see an increase, and if so, by how much.

Reverend **Hughes**. I suppose educators in general are always aiming at the highest amount available because if it is given them, we trust we are able to provide better services. I do not think we have actual figures on the number of mobile units that would be needed across the country, if that were the particular delivery system that was found to be most constitutionally acceptable.

Mr. **Solarz**. Finally, I gather that some people are talking about—myself included—the possibility of computer programs, maybe close circuit TV programs, as a way of dealing with the consequences of *Aguilar*. How would you actually like to see this kind of approach implemented? What do you have in mind, and what guidelines, if any, would you like us to write into the legislation?

Reverend **Hughes**. Let me say that that possibility probably is minimal across the whole country. When we talk of Catholic school systems, we are talking about the large cities like New York, Chicago, we are talking about rural areas where they may be very far removed from the public school—the local public school, we are talking about a variety of places and opportunities. In some of those places, using computers and electronic equipment, whereby the person teaching is in one school and the benefits are in another, that may be the best way to provide it.

How costly that would be might depend upon the resources of that particular local school district. So it, in some cases, might be very acceptable—in others, it would have to provide new equipment and would be costly.

Mr. **Solarz**. Presumably then, whatever amount of money we put into the bill to help schools deal with the consequences of the

Aguilar decision, you would like to see permission for the use of those resources, if they are cost effective, for computers or other forms of technology which can help to deal with the decision.

Reverend **Hughes**. Yes, that would be a given way that might be acceptable in the given situation. And what we would like in the bill would be permission for the LEA to use that if that seemed to be economically and educationally best in a given district.

Mr. **Solarz**. Thank you very much, Mr. Chairman.

Reverend **Hughes**. But I—for a moment, express to Mr. Chairman, that Dr. Green was testifying relative to vouchers and cooperation—one of the sad biproducts of the Supreme Court decision was that for 20 years, public school leaders and parochial school leaders were working together and we had formed strong coalitions across this country that was different from what had been in place before ESEA in 1965. And that—the greatest thing about that was that the students benefited. We were working together for the benefit of the students. And so, the result of that first bill was that children benefited because we who have responsibility in leadership roles were working together. And now that Supreme Court decision has made that very difficult and the students, again, are the ones who suffer.

Chairman **Hawkins**. We hope that comes about again, Bishop.

I understand that, Mr. Green, you have a urgent reason for having to leave at this time to make plane connections.

Mr. **Green**. Yes.

Chairman **Hawkins**. If so, the chair would like to excuse you unless—Mr. Gunderson, did you have a question for Mr. Green?

Mr. **Gunderson**. Excuse me, Mr. Chairman, I do have one question, Mr. Green, if I may?

Chairman **Hawkins**. Yes, you may.

Mr. **Gunderson**. Mr. Green, regarding your comment on page 2 of your testimony, you did allude to one of the priorities being support for a constitutional mechanism for delivery of services. Are there any proposals pending that you feel would meet the constitutional mandate to provide Chapter 1 benefits?

Mr. **Green**. Not that I am familiar with. I am not an attorney, so I do not——

Mr. **Gunderson**. You are lucky. [Laughter.]

Mr. **Green**. I do not want to misrepresent myself in that. The American Association of School Administrators, however, who represent not only American public administrators but parochial as well as private, certainly continued to be interested in the bottom line, which is children. And I do not think there is any question, internally, about the question of vouchers. It is not going to be the position of AASA.

The responsibilities that have been designed and discussed by the bishop are our responsibilities, too. A disadvantaged child in a nonpublic school is as important a resource to develop as one that is in a public school.

And so, I do not know the constitutional language, but it is not intended to provide for vouchers or parental grants or anything along that line which would give the notion that—to diminish the public school movement. There are the constitutional questions of not being able to deliver services on private property. That still needs to be discussed because there is a loss of benefit to the child in a non-public school when these alternative mechanisms are available.

I would agree that interactive technology may make possible, in rural communities across this country, possibilities that are unknown today. And I think that technology—I support the technology thoughts that were described here earlier.

But I would—the American Association of School Administrators would be glad to come back to this committee. It, too, is not a legal association, it is a school district association. But its intent is to bring about the effective benefits for all children and, given our commentary and your interest, we would be glad to send staff over to discuss what some possibilities are.

Mr. **Visclosky**. I would appreciate that and, in terms of markup for the bill, if the association was working on ideas, I would hope that they would keep that timeframe in mind as they proceed.

Mr. **Green**. And we would welcome our colleagues from the National Catholic Conference to that meeting.

Mr. **Visclosky**. Thank you very much. Thank you, Mr. Chairman.

Chairman **Hawkins**. Thank you.

Mr. **Henry**. However, that association also believes that these proposals, relative to $30 million in transportation, does not meet the constitutional test. Is that correct?

Mr. **Green**. We feel that the—we support your $30 million commitment to non-public for the purchase of capital improvements that would be necessary to deliver services. We suspect those funds go directly to the LEA, it does not go into the private school or non-public school, and we intend to use those funds to make the provisions that are necessary to enhance the delivery of service to non-public children. We do not see that being a constitutional question.

Mr. **Henry**. Thank you. Mr. Chairman, thank you. Well, thank you, Dr. Green.

Mr. **Green**. Thank you very much.

Chairman **Hawkins**. We appreciate your patience—Mr. Gunderson—eventually we reached you.

Mr. **Gunderson**. Dr. Kilgore, have you been able to get into formula basis for distribution of Chapter 1 money?

Dr. **Kilgore**. It is really beyond the scope of the study to deal directly with policy issues like the formula, that is formula that might find most advisable. Dr. Birman might want to talk a little bit more generally about particular facts and how they might bare upon that.

But, basically—in looking at the distribution of services, our concern has generally been to ask questions—are the neediest students being served, and whether—if they are not being served—if we can understand why they are not being served. That is what has basically driven our trying to understand distribution of services.

But, Dr. Birman, would you like to add something about that?

Dr. **Birman**. Well, we did not study formula issues, per se. We do have information about the distribution of schools and districts in the Chapter 1 program. As you know, the Chapter 1 programs goes to about 90 percent of the school districts in the Nation and one of the things that we have been looking at is——

Chairman **Hawkins**. I find it a little difficult to understand——

Dr. **Birman**. Excuse me?

Chairman **Hawkins**. Could you speak more directly into the microphone?

Dr. **Birman**. What I was saying was that Chapter 1 funds do go to about 90 percent of the nation's school districts and we have been looking at the distribution of the program to those districts and also the types of schools within those districts that receive services. And so, for example, we have been looking at the distribution of poverty among schools and find relatively low poverty schools tend to be in relatively low poverty districts and high poverty schools in high poverty districts.

So, we have been looking at the relationship between school and district poverty with regard to some of the issues that we were discussing earlier

Dr. **Kilgore**. I was just going to close, because we sometimes lose perspective. I certainly wanted to come back to some of the questions that were mentioned earlier. In suggesting that there are deviations, we are almost forgetting that there are large numbers of students in schools for whom we would say, yes this is whom we intend to be serving. Something near the 80 percent—of the schools that are in the highest poverty districts are being served by Chapter 1. Similarly with respect to low achieving students, large portions of those are being served.

So, we should not be misdirected, in terms of understanding specific formula issues and targeting, thinking that those students are not there.

Mr. **Gunderson**. Okay, let me expand because, in all due respect, I do not think it takes a great deal to conclude that a high poverty district is going to have a high number of poverty students. I do not mean to put down the study——

Dr. **Kilgore**. I understand, that is a fair question.

Mr. **Gunderson**. I do not know how you can look into this whole issue without looking at formulas and one of the concerns that I really have is with your definition of poverty—not your's specifically, but the definition of poverty—and one of the things that was pointed out very vividly to us yesterday in the field hearing—is that using 1980 census data is totally antiquated when dealing with the agricultural crisis in this country. If you are going to use data from 1970 or upgrade it to 1980, but you are still going to use the same definition for poverty for income—general income—if you are doing some kind of study, focus on whether or not we are adequately directing our Chapter 1 resources to the truely needy Chapter 1 students. I do not know how you can do a study on that or come to conclusions without looking at these types of statistics.

Dr. **Kilgore**. Let me just make one comment, then I will have Dr. Birman talk. It is appropriate to remind you that my office of research is not a policy oriented office. It is an office that has all of, should we say, the trappings of the bland researcher—the kind that sometimes frustrate you so.

What we try to do is collect facts specifically in the Congressionally mandated study that Congress found to be of interest. We looked at the distribution of services, the type of students served, the original questions that Congress had identified. Let me have Dr. Birman, though, talk to you more directly.

Dr. **Birman**. I would like to say that in the beginning when we went around to many Congressional staffers to interpret our mandate and to see what kinds of issues we should be focusing on in our research, we were told to stay away, in large part, from issues relating to the formula because formula issues were largely decided on the basis of politics and not on the basis of research.

What we did get into were provisions having to do with the selection of schools and the selection of students. And in looking at those, could not help but look into the issue of the distribution of schools and students among districts. So, to the extent that that relates to the formula, which it certainly does, we had to slip into it a little bit. However, we did not focus on the formula per se—for the obvious reasons——

Mr. **Gunderson**. I am not blaming you—but with all due respect, when you get into a selection of school study, that is not really—we do not have a selection of schools, we have one school—we have one elementary school, we have one high school, we probably have one school that does elementary and high school. To talk to us about a selection of schools is to eliminate—from the discussion. One of the concerns that I have, when you talk about—not sure that even the formulas that we have in H.R. 950, that rural schools will qualify because I do not think that the definition of 20 percent poverty students—that definition of poverty in a rural area I do not think works and therefore I do not think we are going to have 20 percent of our students—and let me tell you there is increased poverty in the rural areas—I am very concerned at the whole direction of this, was hoping that your study might give us some assistance to understand the difficulties that you face in this issue.

Dr. **Birman**. Well, I think you will find when you see some of our statistics that small rural areas, as well as the larger cities, are the ones that do have the highest concentrations of poor students. So, I think you will find that, in fact, a large proportion of rural districts would have the concentrations of students that would be looking for in terms of high poverty.

Mr. **Gunderson**. Did you get into anything at all in terms of analysis of the impact of the distribution of funds and capital costs associated with the problems of rural schools where you have a $50,000 or a $100,000 grant, which in many schools would institute an entire operation of Chapter 1. Obviously, you lose a couple of students in terms of eligibility, you have just lost the funding mechanism for the teachers—because when you are dealing with such a small number of students, did you at all look at the apparent difficulties of a distribution of funds as it affects a smaller enrollment district?

Dr. **Kilgore**. I think Dr. Birman would certainly want to expand. One of the things that occurred to me, certainly, the "previously eligible" provision or option that is allowed for the kind of school that you are describing—that is one which lost a couple of students one year so that their poverty "rate" has gone down, would be protected. Assuming that was maybe a glitch and not part of a longer trend, the provision for those services would continue into the next year.

So, the existing provisions that you have do buffer schools from this: now you are eligible, now you are not. To what degree it would be applicable, and resilient, under the conditions of small rural schools, I am not going to be able to say with certainty. But that would be one aspect that would be important.

Dr. **Birman**. I would like to just say that we are currently in the middle of our analysis phase and I am glad that you brought up the issue of rural schools because—we have just been at the point of getting the whole picture of our data together. It gives me an opportunity to go back and look at what the distributions are between urban and rural.

I would also like to say that we do have a study that I will look at again more closely with regard to the allocation of resources within school districts and I will investigate whether we have some examples of rural districts in that study that we would be able to look at and bring to your attention.

Mr. **Gunderson**. Thank you very much.

Chairman **Hawkins**. Thank you.

Mr. Sawyer?

Mr. **Sawyer**. I have no questions.

Chairman **Hawkins**. Mr. Henry?

Mr. **Henry**. Thank you, Mr. Chairman.

There are really three or four issues actually before us. We spent a lot of time and a little bit of contention on the voucher-parental grant issue. But I would like to focus particularly on the testimony from the department relative to problems with targeting, problems of parental involvement, problems of supplanting.

It is intriguing that all three of these problems in the history of Title I, Chapter 1 continue to resurface and we continue to try to address them. By way of background, I have to say that last year, as you know and several people in the committee are aware of the fact that I introduced a draft bill to circulate some discussion on the reauthorizing process, which we tried to address four problems areas. One was the issue of targeting.

Here we have a program in which almost 50 percent of all the legally eligible children still are not served under this program, there is this tremendous unmet need in terms of fulfilling the expectations of the Act. At the same time, of those children who are served, perhaps up to 40 and some cases even more, but 40 percent or more would not meet the criteria of being both economically deprived and educationally deficient. Although we do have to consider in that, I think, as Dr. Green said, for those who in fact, because of the success of the program, have brought their achievement levels up. And that is one of the things——

Chairman **Hawkins**. Are you saying—let me understand what you said. You say that 40 percent of the students on Chapter 1 are not meeting the criteria based either on poverty or educational deprivation.

Mr. **Henry**. Not either but both. Now one of the reasons as to the——

Chairman **Hawkins**. But one or the other—are you saying both? You are not saying one or the other.

Mr. **Henry**. No, I am saying do not meet both criteria, educational deficient and economically deprived.

Chairman **Hawkins**. You have come up with a new study then.

Mr. **Henry**. Well, I will show you the data, Mr. Chairman. Now, what I am saying is one of the reasons—if you let me finish here—is that as you get some of these children to improve their achievement, you have a problem that if you cut them off at that point, you are penalizing a district for its failures rather than rewarding them—pardon me, penalizing them for its success. And we always get this dilemma of rewarding a school district that cannot get them up as opposed to penalizing them for it.

Now, the chairman's question—am I way off base in saying that we are talking of 40 percent level that would not make the criteria of both?

Dr. **Kilgore**. I think what you have got to remember is the criteria, yes, that you have established. In other words, I am not judging those; I reserve to the Members of the House, so to speak, to judge whether those are the criteria of Chapter 1, but there is a large proportion if you are using that criteria.

My earlier statement restricted it simply to students in terms of their achievement. It was a much more restricted definition, which was—those who are below the 25th percentile in achievement. When I was saying that there were some that were unserved, we were both talking about a similar, but not overlapping and not perfectly the same, population.

Mr. **Henry**. Yes, I am talking about overlapping or dual criteria here. It seems to me there is something this committee ought to be able to do to try or at least to consider whether or not the criteria for placement ought to be refined to more accurately target delivery of services, given the fact that we are reaching only about half of those who are eligible.

The second issue that we had raised last year was the issue of parental involvement and I was glad to see that the department indicated there are still problems with this and to a certain extent there has been a decline in the utilization role of parent counsels.

The third area was the whole issue of the tendency to supplant rather than supplement with Title I funds. Particularly, I think this happens when you have pull-out programs rather than using the resources as an alternative approach to additional time at task. I am wondering if you could tell the committee whether or not there are significant minority of districts who have tried to use their funds for additional time at task as opposed to pull-out and what tends, in some cases, to be supplanting other than maybe smaller classroom size, depending on other ways in which you defend these reallocations of funds.

Dr. **Kilgore**. Let me make a few introductory remarks since we have returned to a topic where some muddied waters emerged in an earlier discussion. Then on the specifics, I will have Dr. Birman talk with you.

Some of the discussions today, when we were talking about added instructional time, some people—particularly I think it was Mr. Martinez or someone else—had the impression that we were suggesting there was only 10 minutes of instructional time to begin with. It is not the case. We are talking about Chapter 1 providing services to students for 30 to 35 minutes every day. Often, though, the pull-out is a different—I do not think you would want to confuse the issue—but they are often pulled out and they are often provided, in that context, more instruction in, let us say, in reading than they would have gotten otherwise. But they are also missing some things.

The general point though is that instructional time is just as valuable as the intensity, so you would not want to compromise one to the other. But at the same time, the notion that we have, so to speak, cheated children of instructional time could be misrepresented in the sense that Chapter 1 does provide instruction every day for a considerable period of time.

Dr. Birman, would you expand——

Chairman **Hawkins**. Could you suspend for just one minute?

Bishop Hughes, do I get the impression that you may be, may have a time problem?

Reverend **Hughes**. Yes, I do. I have a plane shortly after noon.

Chairman **Hawkins**. Mr. Henry, do you intend to ask Bishop Hughes any questions?

Mr. **Henry**. No, I have got another couple of questions for the department, but I would be glad to yield——

Chairman **Hawkins**. Could we then accommodate you by excusing Bishop Hughes?

Reverend **Hughes**. If I—I appreciate that very much, but if it is possible, I would like to remain as long as I can and then leave——

Chairman **Hawkins**. Well, you remain as long as you can. If you leave, we know that you are not, let us say, suspending us into hell fire. [Laughter.]

Reverend **Hughes**. Appreciate that very much, but would like to get on the record how happy I was when I came in the room to see the name above the door of Carl Perkins. As you know, he was chairman of this committee for many, many years and is from the Commonwealth of Kentucky where I am located and I was able to attend his funeral and see the great outpouring of loyalty and respect for him, which we have had, in education, for many years—because he was a leader and in standing for quality education for all students, regardless of where they attended school, and they have a great deal of respect for him. And I just felt good when I saw that name over the door and I was sorry that his son was not here so that I could acknowledge that. I thank you for the opportunity to say——

Chairman **Hawkins**. Well, I am sure his son wanted to be here, and just was not blessed today, apparently. [Laughter.]

Would you continue, please, Mr. Henry?

Mr. **Henry**. Thank you. I believe Dr. Birman was responding on supplanting.

Dr. **Birman**. I believe your question is whether some school districts utilize other approaches besides a pull-out approach to provide service to Chapter 1 students. Is that correct?

Our findings are that most districts, the vast majority of districts, do rely on—on pull-out approaches for at least some of their instruction, though there is a substantial minority of districts that use in-class approaches as well. A very small proportion of districts use their Chapter 1 funds for after school, before school, or summer school programs.

I would like to say, though, that I am not sure that these are issues of supplanting. As far as our research shows, pull-out approaches do not necessarily supplant instruction, at least in the legal sense of the word. And one of the things I would like to add into this discussion is that a lot of our research shows that the difference between pull-outs and in-class or pull-outs and other approaches may not be the critical difference to focus on. Some of the other things that we have been talking about—for instance, the intensity of instruction, the amount of time, the teacher attention to the student, the materials that are used, and so forth—might be more critical to student achievement than the setting, whether it be pull-out or in-class.

Mr. **Henry**. I think that there is a very fine line between supplanting and the language in Chapter 1 which speaks of more flexible use of maintenance of effort requirements and what is really taking place there. Your testimony indicates that 43 percent of the school districts would not meet Title I maintenance of effort requirements had the requirements not been loosened.

Dr. **Birman**. We did find that 43 percent. However we did not find—at least in our case studies—any evidence that the districts were using Chapter 1 funds to provide activities that they would have provided otherwise through state or local funds. We did not really see evidence of that misuse of the maintenance of effort provision.

Mr. **Henry**. Mr. Chairman, just two more questions here.

One—we have heard a lot about the dropout in the non-public school sector, up to 40 percent, in the testimony we heard—and I think someone else mentioned—Congressman Solarz—up to 60 percent in some of the schools in his district as a consequence of *Aguilar* v. *Felton*. What has been the consequences in the public school community? I have read some interesting estimates from National Association of School Boards. What would be the comparable dropout rates or loss of enrollment in Chapter 1 as a consequence, in the public school community?

Dr. **Kilgore**. I am not really quite sure of the question here. Are you suggesting that if the *Aguilar* decision had happened to public schools, that we need to know what the estimate is? Is that your question?

Mr. **Henry**. Well, my understanding—the National Association of School Boards did a preliminary survey which they reported on last fall—and I think one of the states was California in which they said in some of the major districts, there was an overall 40 percent drop in Chapter 1 enrollment—in part because of the tremendous increase in administrative costs that were affecting public schools. And thus, there were less funds left over, so to speak, for actually serving students.

Dr. **Kilgore**. Let us get one statistic clear, at least when distinguished from those that have been presented by other witnesses. The survey work that was done this fall by our congressionally mandated study, in my office, estimates that as of last fall, comparing that with the pre-Aguilar decision, there was a 28 percent drop in the number of private school students enrolled in Chapter 1 programs.

Now the question as it applies—what you are suggesting is that there is a certain added cost to the public sector, and do we have estimates on how it might affect the enrollment in the public sector.

I do not think we have anything that would be able to speak to that.

Dr. **BIRMAN.** We do not have any thing that would speak to that directly, though. We do not see any evidence of, nationwide, a decline in the numbers of students served by Chapter 1, at least over the long haul. There have been obvious fluctuations year to year, but we have not seen a decline in the overall numbers of Chapter 1 students being served in public schools.

Mr. **HENRY.** Okay. Thank you, Mr. Chairman.

Chairman **HAWKINS.** Thank you. Mr. Kildee?

Mr. **KILDEE.** I have no questions. I was downtown speaking to some American Indians in Indian Education and could not be here, but I regret the fact that I could not hear the testimony of my good friends at the witness table. I look forward to working with them to help those students whom they serve in their school system and I appreciate their testimony this morning.

Reverend **HUGHES.** Thank you.

Chairman **HAWKINS.** Dr. Kilgore, in your prepared statement, you mention several administrative changes that have come about and you attributed these to a change in the law in 1981. Among those you indicated that maintenance of effort was relaxed, that there were declines in administrative staff, and several other changes were suggested. Were these caused by a change in the law? In what way did the change in the law result from—result in administrative staff declining? Was that mandated or were responsibilities taken away or what?

Dr. **KILGORE.** Let us be very, very careful in reading this. We are saying that according to interviews with Federal officials, there was association of less staff and reduced burdens as a result of Chapter 1. The interviewees were suggesting that there was less need of staff. We did not, at any point in time, make a causal statement. We were just reporting what other people were saying.

Chairman **HAWKINS.** Well, I get a little different conclusion from reading this statement. The point seems to be made that in a way Title I is not succeeding in targeting on those who should be targeted and yet the statement seems to be clear that there has been a decline in enforcement at the Federal level, fewer staff, more relaxation of some of the provisions that had been included in Title I, and I do not seem to reconcile why, on the one hand, the charge is made that the local educational agencies are not doing as good a job as they should be doing—and yet when the opportunity presented itself in 1981, when the law was changed, not because some of us wanted to do it and not because this committee had anything to do with it—but it was changed in a budget setting that these things resulted from those changes and it would seem to me that recommendations would be made to this committee to do something about some of this—some of these relaxations of provisions that might tighten up the program. And that I do not quite understand the—what you are suggesting.

Dr. KILGORE. Okay, I think there are two things. I think when you are talking about Federal staff, the increase or decrease of it, you are talking about staff that devoted time, at least in part, to compliance with the kinds of requirements that exist under a given law. In this particular case, we do not find compliance to be a problem. In other words, our report as well as the GAO report would suggest that compliance is, in fact, being met.

Now, it does misrepresent my point, Mr. Chairman, to suggest that I do not think schools or districts are doing a good job. I think that it is quite commendable what we have done. In this work, we never suggested that somebody is failing in their job. But rather, that just in the spirit of those general good old American quests, so to speak, things can be done better. We have looked at the body of research about school practices, and tried to match that body of research with the practices in Chapter 1 to try to give you, as legislators, some idea about those practices. If you want to do something that might improve on what you have already accomplished, then those things should be done.

Now, insofar as the staffing, the kind of staffing needed would be largely dictated by the kind of law that you construct. If you think that the distribution of services can somehow be enhanced by tightening compliance, then you would indeed probably want to see a different type of staffing structure than you have now. But to suggest that is a problem now—that compliance is a problem, the data would not support.

Chairman HAWKINS. Well, I do not suggest it is a problem.

Dr. KILGORE. Okay.

Chairman HAWKINS. I agree with you. I do not think compliance is a problem. However, the department seems to be suggesting that when they make the charges of the number—and they repeat it over and over—the number of individuals who are not being served. And that is a funding problem, that is what that is. And the charges made that there are individuals or the implication at least is given that there are a lot of children on the program who should not be on the program, that they really are not low achievers, they are high achievers, and——

Dr. KILGORE. Well, I hope we have clarified, at least, my office's statistics.

Chairman HAWKINS. Well, I think you have done a reasonably good job of doing that. However, as I say, we keep going around and around, but in what way, is compliance a problem,—and the studies that are being quoted, based on the 1976 study, seem to suggest that there is a problem of compliance. However you yourself agree that it is not a problem. And then we get down to the point where there is less staff to monitor the program,—you relax the maintenance of effort provision and you seem to be saying that as a result of change in 1981, that the problem of administration has been—the problems of administration have been increased, that parental involvement has been in some way affected adversely, and yet this committee—the Congress did not mean—the Congress probably did it in voting for the 1981 Omnibus Act, but that was not done in an educational setting, it was done in just an up and down vote on whether you are going to reach a budget target.

Now these, it seems to me, are the things that we could agree upon and do something about that. But the whole debate has gotten off on charges that Chapter 1 is not doing what it is supposed to do and that consequently somehow we are rational in cutting back on the program, reducing the amount of money and targeting and reducing the amount of money. And so, that has been used to justify continuous cuts in the program.

Dr. KILGORE. Well, you are a much better historian of the debates that have preceded us today on Chapter 1 and the different budget cuts. It is beyond the scope of both my office and my skills, certainly, to both attribute motives or understand those debates.

I think the central point here, though, sir, is that we have a debate of the half empty versus the half full cup. And we, as researchers, want to show you where the cup is full and where it may be a little bit empty. And we are suggesting that insofar as compliance is concerned, that that is not the issue. Schools and school districts are complying with Chapter 1 as presently constructed. Insofar as options and ways that schools and students are selected, we said it does a pretty good job of targeting. We know, large portions of very poor children are served, as are large portions of low achieving students. But, some low achieving not served and, less in number, we said, some high achieving are served.

We have tried to suggest that some services provided are very congruent with the research evidence to date. We said there are a few things that are not. But that is in the nature of being a good researcher—to point out opportunities for you, the legislator, to improve those programs. Certainly, I think any decisions about the administrative staffing would certainly be beyond our scope. We would just suggest to you that in seeking to improve, not to remedy, but to improve, this program, you might anticipate some needed changes in a variety of areas other than just simply the staffing.

Chairman HAWKINS. Well, thank you, I will accept your recommendations. Any further questions?

If not, may I again express appreciation to you, Dr. Kilgore and Dr. Birman, for your testimony today. You have been very, very helpful and we appreciate the candor with which you have expressed yourselves.

Thank you very much, and that concludes the hearing.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

JAIME B. FUSTER
PUERTO RICO
[illegible]

INTERIOR AND INSULAR AFFAIRS
[illegible]
FOREIGN AFFAIRS

Congreſs of the United States
House of Representatives
Washington, DC 20515

TESTIMONY OF THE HON. JAIME B. FUSTER BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

March 16 , 1987

I appear before you on behalf of the 3.5 million American citizens of the Commonwealth of Puerto Rico to express our support for programs of elementary and secondary education espoused by this Committee and to request your assistance in closing the educational gap that separates the Commonwealth and the mainland by granting parity treatment to the island under the Chapter I program of the Education Consolidation and Improvement Act of 1981.

I would like to begin my remarks by highlighting that providing an education of the highest quality possible to students in the island has been a major priority for the Commonwealth of Puerto Rico. In the last decades Puerto Rico has consistently allocated one third of its state budget for education programs. As a result, the literacy rate in the island has improved from 75.3 percent in 1950 to 89.3 in 1980. According to the 1980 census the average year of schooling completed by the population over 25 years old is 9.4 years compared to 3.9 years completed in 1950.

These statistics, however, do not yet parallel those of the mainland where a 99 percent literacy rate exists and average schooling is 12 years. To grant parity treatment to Puerto Rico under the Chapter I program thus becomes essential if the Commonwealth is ever to be able to close this gap.

To put our request in perspective let me briefly review the history of Puerto Rico's participation in the major federal program which provides assistance to disadvantaged children during their primary and secondary education.

When the Elementary and Secondary Education Act was enacted in 1965, the Commonwealth of Puerto Rico was given state-like treatment in all programs, with the glaring exception of the allocation formula devised for the Basic Grants to Assist Disadvantaged Children under Title I. Then Puerto Rico was included with the territories in a set aside formula.

When the Act was amended in 1978, a new formula increased the funds available but mantained the unequal treatment for Puerto Rico awarding title I students in the island an estimated 18 percent of the average per pupil expenditure in the United States. The ratio for students in the states was 32 to 48 percent. This unfair allocation method is still in existence today having been incorporated in Chapter I of the Education Consolidation and Improvement Act of 1981.

The existing anachronistic Chapter I provides the only source of funding for special education programs which are so necessary to low income children with poor academic performance in Puerto Rico. The limitation in funds has forced the Puerto Rico Education Department to restrict participation in the program to students who in economic as well as educational terms have the most need. In effect, as compared to the national participation, we can only cover the pupils at the very last rungs of the ladder. Thus, in 1986, of the 347,278 eligible children, only 243,095 were able to participate. That same year, while the states spent an average of $613.00 dollars for Chapter I students, Puerto Rico spent $244.00 per participant. The disparity in funds available to meet the needs of disadvantaged students is compounded by the fact that last year the Commonwealth's over-all per pupil expenditure was only $1,260 as opposed to the national average of $3,173.

In spite of the meagerness of the over-all funding picture, the Commonwealth has proven to be effective in utilizing the limited of funds available to it. For example, since 1978 school materials have been adapted to meet the special needs of low income students and 7,283 new teachers have been hired in the public school system. We were able to develop programs to gauge a student's educational progress and established tutoring programs for underachievers. As a result, in 1986 the number of high school graduates improved from 48 percent in 1982 to 57 percent. However, a growing population plus the eligible students not currently served lead us to request parity treatment. The breach will keep widening if we remain hamstrung by the currect formula.

I am sure that you will agree with me that needy Puerto Rican children should not be allowed to face the future with the additional handicap that a substandard education provides. We need to ensure that our public schools will provide all students with sufficient skills to become productive members of society and help eliminate the all too frequent alternative of swelling the unemployment ranks and the welfare rolls.

An improvement in the Chapter I formula for Puerto Rico will go a long way in helping the Commonwealth of Puerto Rico achieve its goals of improving the educational attainment of our disadvantaged students.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY
FOR EDUCATIONAL RESEARCH AND IMPROVEMENT

March 26, 1987

Mr. John F. Jennings, Counsel
Subcommittee on Elementary, Secondary
and Vocational Education
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Jennings:

I was pleased that the March 13 briefing of House staff by the team of the National Assessment of Chapter 1 helped to clarify and elaborate upon the testimony presented on March 10. In response to your requests, I have enclosed:

- A final version of Preliminary Findings of the National Assessment of Chapter 1 to be submitted for the record as backup to the testimony. This version contains some revisions to the draft package prepared for the briefing (See Section II-B, "Student Selection" and Section V-A, "The Participation of Private School Students"). While these preliminary findings will form the basis of our final report, they will appear in different form and with more interpretation and explanation than was possible in this package.
- Answers to questions that were asked during the briefing. We have responded to those questions and would be happy to elaborate if further information would be helpful.

I hope the meeting and the preliminary findings package will be useful in the current deliberations on reauthorization of Chapter 1.

Sincerely,

Bea Birman

Beatrice F. Birman, Director
National Assessment of Chapter 1

Enclosures

cc: Sally B. Kilgore
Frances Norris

PRELIMINARY FINDINGS OF
THE NATIONAL ASSESSMENT OF CHAPTER 1

Prepared for the U.S. House of Representatives
Subcommittee on Elementary, Secondary and Vocational Education

Office of Educational Research and Improvement
U.S. Department of Education
March 1987

PRELIMINARY FINDINGS OF THE NATIONAL ASSESSMENT OF CHAPTER 1

Prepared for the U.S. House of Representatives
Subcommittee on Elementary, Secondary and Vocational Education

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March 1987

Preface

This document, *Preliminary Findings of the National Assessment of Chapter 1*, was prepared as the foundation for testimony that was presented to the Subcommittee on Elementary, Secondary and Vocational Education of the U.S. House of Representatives on March 10, 1987. It is intended as a handbook of information for policy makers currently involved in reauthorizing Chapter 1 of the Education Consolidation and Improvement Act (ECIA). The document serves as a prelude to the National Assessment of Chapter 1's final report to Congress.

Congress' mandate of this National Assessment in December, 1983 required two interim reports. These two reports have been delivered to Congress. The first report describes the population of students that Chapter 1 is intended to serve--educationally deprived students residing in areas with high concentrations of children from low-income families. The second report reviews and synthesizes evidence regarding the effectiveness of Title I and Chapter 1 services. Both interim reports draw mainly from data collected in earlier studies or data collection activities.

This collection of preliminary findings presents selected information from surveys and case studies commissioned specifically for the National Assessment of Chapter 1. The National Assessment's final report to Congress, currently being completed, will contain up-to-date information about Chapter 1 programs across the nation. The final report will present in-depth discussion and analysis of a broad range of topics, including: the characteristics of Chapter 1 participants; how schools and students are selected for Chapter 1; the quantity and characteristics of services provided by Chapter 1; how and why districts make decisions about the selection of schools and students, the allocation of funds among schools and the design of Chapter 1 programs; and, program administration at each level of educational governance.

In preparing these preliminary findings, the Chapter 1 Study Team worked closely with staff of its technical support contractor and subcontractor, DRC, Inc. and Policy Studies Associates. Martin E. Orland had special responsibility for coordinating the activities of all contributors and ensuring the accuracy of the reported findings. Paige Buss and Saunders Freeland had primary responsibility for typing this document.

Beatrice F. Birman, Director
National Assessment of Chapter 1

Ronald J. Anson, Deputy Director
National Assessment of Chapter 1

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I. Overview: The Distribution of Chapter 1 Students and Schools

A. Distribution of Students Across School Districts and Schools

1. About 90% of the nation's school districts participate in the Chapter 1 program. Districts with low levels of poverty are as likely to participate as districts with high levels of poverty. (District Survey)

2. Among the districts receiving Chapter 1, participating students are more likely to reside in districts with high poverty rates than in districts with low rates of poverty. (Table 1.1)

   - About 45% of all Chapter 1 students, compared to 25% of the public school student population, reside in the quarter of districts that have the highest poverty rates.

   - About 9% of all Chapter 1 students, compared to 23% of all public school students, are in the quarter of districts with the lowest poverty rates.

3. Chapter 1 students are more likely to reside in urban areas than are other students. In districts receiving Chapter 1, students living in urban areas comprise 37% of Chapter 1 participants, but only 26% of public school students. Chapter 1 students are also more likely to reside in large school districts. Districts with over 10,000 students enroll almost half of all Chapter 1 students. (Table 1.1)

4. Chapter 1 students are more likely to be enrolled in public schools with high concentrations of poor children. For example, at the elementary level, about 57% of all Chapter 1 students are in the quarter of schools with the highest rates of poverty (as measured by principal reports of eligibility for the free and reduced-price lunch program). (Table 1.2)

B. Characteristics and Distribution of Chapter 1 Schools

1. Chapter 1 elementary schools have higher concentrations of poor children than do non-Chapter 1 schools. The median percentage of poor children (as measured by principal reports of eligibility for the free and reduced-price lunch program) is about 35% in Chapter 1 elementary schools and about 17% in non-Chapter 1 schools. (School Survey) Chapter 1 services are most

likely to be provided in schools with high concentrations of poor, minority and low-achieving students. (Table 1.3)

2. Chapter 1 is offered at most elementary schools (76%) in the Nation. Over half of the elementary schools with relatively low levels of poverty provide Chapter 1 services. At the same time, roughly one in seven elementary schools with relatively high proportions of poor children do not receive Chapter 1 services. (Table 1.4)

   - Among schools with the lowest concentrations of poverty (15% or less), 57% receive Chapter 1 (Table 1.4) These schools serve 12% of Chapter 1 students. (School Survey)

   - Among schools with the highest poverty concentrations, 14% did not participate in Chapter 1. About half of these schools receive state compensatory education. (Table 1.4)

3. Chapter 1 schools with low concentrations of poverty are generally located in districts with similarly low poverty rates. Very few Chapter 1 schools with high concentrations of poverty are located in districts with low poverty rates.

   - Among Chapter 1 elementary schools with the lowest levels of poverty (15.0% or below), 52% are in the quarter of districts with the lowest concentrations of poor children (below 7.3%) and 99% are in districts with below-average levels of poverty (below 12.5%). (Table 1.5)

   - Among Chapter 1 elementary schools with the highest levels of poverty (above 50.0%) only 1 percent are in districts with the lowest poverty concentrations (below 7.3%); 12% are in districts with below-average levels of poverty (below 12.5%). (Table 1.5)

II. The Selection of Schools and Students for Chapter 1 Services

A. Overview of School and Student Selection

1. Districts adhere to Chapter 1's school and student selection requirements. Case studies indicate that districts generally select schools with higher proportions of poor students, using as a criterion either the district's average poverty level or the average poverty level(s) for the selected grade span(s) in the district. Districts provide services to students who are the lowest achievers in the grade spans receiving services in Chapter 1 schools. (U.S. General Accounting Office, 1987; Wood et al., 1986).

2. Case study data suggest that Chapter 1 districts use the program's school and student selection options to tailor the Chapter 1 program to their local circumstances and preferences. (Wood et al., 1986; Farrar et al., 1986)

B. School Selection

1. The basic standard for selecting Chapter 1 schools is that any school with poverty greater than its own district average can be served. Nationally, this results in some high-poverty schools not receiving Chapter 1 services and some low-poverty schools receiving services.

   - In a case study of school selection in a sample of 30 school districts, the average poverty rate of schools selected for Chapter 1 in low-poverty districts was about 9%. The average poverty rate of schools not selected for Chapter 1 in the study's high-poverty districts was about 25%. (Wood et al., Chapter 3 and Appendix A)

2. About 47% of Chapter 1 districts, enrolling about 90% of all Chapter 1 students, must make school selection decisions; 95% use one or more school selection options rather than simply selecting schools above the district's average poverty level. (Table 2.1)

   - The three options used most by these school districts are: the grade span option (used by 46% of districts that must make school selection decisions), the uniformly high concentration of poverty option (used by 43% of these districts), and the attendance vs. residence option (used by 25% of these districts).

- The three options used in districts that enroll the largest percentages of Chapter 1 students are: the grade span option (used in districts that enroll 44% of Chapter 1 students), the school grandfathering option (used in districts that enroll 39% of Chapter 1 students), and the 25 percent rule (used in districts that enroll 36% of Chapter 1 students).

3. Changes from Title I to Chapter 1 have had varying effects on the selection of low-poverty schools to receive services.

   - Reliance on the uniformly high concentration option has increased from 29% to 43% of all districts that must select schools since the definition of "uniformity" was expanded from a 5% to a 10% range under Chapter 1's nonregulatory guidance. (Table 2.2) The change allows all districts with less than 10% poor children to serve all of their schools. Compared to districts with higher rates of poverty, districts with the lowest poverty rates substantially increased their use of this option. In these districts, the use of this option has increased from 25% in 1981-82 to 65% in 1985-86. (District Survey)

   - Among districts eligible to use the new option for under 1000 enrollment, 12% use it, and they serve less than 1% of all Chapter 1 students. (District Survey)

C. Student Selection

1. Standardized tests are used to select students in virtually all of the nation's school districts (97%). Most of these districts use test scores in combination with teacher judgments or other measures, but 27% use test scores exclusively. (Table 2.3)

2. Despite the nearly universal use of standardized tests, districts use the substantial flexibility available to them in selecting students to participate in Chapter 1 programs. In particular, districts:

   - set their own test score cutoffs for student participation;

   - determine whether additional criteria are to be used;

- determine whether these criteria must be uniform across all the schools in the district;
- select grade spans within schools;
- determine whether specific student selection options will be used (e.g., transferred participants or formerly eligible students provisions).

Other factors such as lack of space for the program in particular schools or parental refusal to permit their child's participation can also affect which students receive Chapter I services. (Wood et al., Chapter 4)

3. The achievement levels of students who receive Chapter 1 services vary considerably across Chapter 1 districts and schools. Recent case study data illustrate this variation and help to explain why some low-achieving students in Chapter 1 schools do not receive program services. (Wood et al., Chapter 4) These data also help to explain why some higher-achieving students do receive Chapter 1 services. These findings are consistent with previously-reported research on this topic. (Kennedy et al., Chapter 4)

   - In a sample of 23 school districts, the percentage of unserved students who were below the 25th percentile usually ranged between 30 and 50%. Overall, about 36% of the students in Chapter 1 schools who scored below the 25th percentile were not served by the program in these districts.
   - In this same sample the percentage of Chapter 1 students scoring at or above 50th percentile ranged from 0 to 15% in most cases. The overall percentage of students scoring above the national achievement norm was about 10% in this sample. Most of these students scored close to the 50th percentile, although some scored considerably higher.

4. Some very low achievers are not selected for Chapter 1 services for a number of reasons:

   - Districts frequently choose to provide Chapter 1 services only in selected grade spans. The grade span option is often used to achieve an adequate concentration of the program resources on students in selected grades, rather than providing resources to students in all grades. However, use of this option also results in the absence of services to very low achievers in the unserved grades. (Wood et al., Chapter 3)

- Districts sometimes restrict services to only the very lowest achievers. Consequently, by national standards, some low achievers may be left unserved. This practice appears to be most common in districts with very large proportions of low-achieving students. Districts often restrict services to their lowest achievers in order to provide an adequate level of services to these students. (Wood et al., Chapter 4)

- Many low-achieving students are served by other special programs. (Wood et al., 1986) Most Chapter 1 elementary schools have at least some state or local compensatory services. (School Survey; See Special Topic D on State Compensatory Education). Students who are low achievers may also qualify for special education services or programs for LEP students. However, our case studies indicate that a large proportion of low-achieving students remain unserved by any program, especially in secondary grades.

- Some very low-achieving students are not selected for Chapter 1 services because teachers believe that they really have less need for compensatory services than do other students with higher standardized test scores. Teachers may choose not to recommend some very low achievers for compensatory services if their test scores are judged to be inaccurate. Most districts use teachers' judgments in combination with standardized tests when selecting students for Chapter 1 services. (Wood et al., Chapter 4)

- Very low-achieving students are sometimes missed because some districts do not have systematic student selection policies or their schools do not uniformly implement the district's student selection policies. (Wood et al., Chapter 4)

5. The participation in Chapter 1 of some students who score above the 50th percentile on standardized tests is due to a number of factors:

   - In schools with few low-achieving students, Chapter 1 services are sometimes provided to students who score above the 50th percentile. These students are among the lowest achievers in their schools. Schools with few low-achieving students often participate in Chapter 1 due to the distribution of Chapter 1 to many districts with low levels of poverty. (Kennedy et al., Chapter 4; Wood et al., Chapter 4)

- In districts where the standard for selecting students for Chapter 1 is at or near the 50th percentile, some students who score above the 50th percentile may be chosen for services. This result can occur because of the use of student selection practices such as the selection of formerly eligible students, the exercise of teacher judgment, or the imperfect application of student selection standards within districts. (Wood et al., Chapter 4)

- Circumstances or policies which limit the number of students eligible for Chapter 1 may increase the number of participating students who score above the 50th percentile. This is because a smaller student eligibility pool can sometimes lead to raised eligibility standards for program participation. If this standard moves closer to the 50th percentile, the likelihood increases that some students scoring above this level will also be served. Examples of circumstances or policies which may limit the student eligibility pool for Chapter 1 are the use of the grade span option or the existence of other programs to serve the lowest-achieving students. (Wood et al., 1986)

III. Chapter 1 Services

A. The Nature of Instructional Services

1. Grade Level and Subject Focus

a. Chapter 1 is primarily an elementary-school program concentrated most heavily in grades 1 through 6 (Table 3.1). Reasons for the elementary emphasis, according to case studies, include the following (Knapp et al., Chapter 5):

- a commonly shared belief among school administrators that early intervention is the most beneficial and efficient way to assist disadvantaged children;
- the problems of scheduling, graduation credits, space and student reluctance to participate at the secondary school level.

b. Reading is the subject offered most often as part of Chapter 1 services in public schools. These schools usually provide instruction in a combination of subjects which generally includes both reading and math. (Table 3.2)

2. Instructional Approaches

a. Chapter 1 instruction in public elementary schools is generally provided five days a week for approximately 35 minutes a day in reading and 30 minutes a day in math. However, the length of instructional time varies considerably among schools. (Table 3.3) Instruction occurs in small groups with a median student/staff ratio of about four to one in both reading and math.

b. Chapter 1 instruction in public middle/secondary schools is generally provided five days per week for approximately 45 minutes per day in both reading and math, with considerable variation among schools. (Table 3.3) The median student/staff ratio is about six to one in reading and eight to one in math.

c. A limited pullout approach (in which students leave the regular classroom for a relatively short instructional session) is used for most Chapter 1 reading and math instruction in elementary schools. It is followed in prevalence by in-class instruction (in the regular classroom). As a rule, add-on settings (before or after school) are rare among public Chapter 1 elementary schools, occurring in only 2% of public elementary schools offering Chapter 1 reading or math instruction. Summer school programs are also rare (occurring in 10% of the Chapter 1 schools). (Table 3.4)

d. Middle/secondary schools use the extended pullout model (longer instructional sessions outside the regular classroom) or the replacement model (in which Chapter 1 replaces regular instruction in one or more subjects using locally contributed funds) more often than elementary schools. (Table 3.5) This pattern is often a response to the scheduling difficulties in middle/secondary schools. (Knapp et al., Chapter 6)

e. A Chapter 1 teacher usually provides the reading and math instruction in public schools. In elementary schools, that Chapter 1 teacher is as likely as not to work with a Chapter 1 aide; in secondary schools assistance from an aide is less common. At all grade levels, some instruction is provided by a Chapter 1 aide under the supervision of a regular teacher. Chapter 1 aides rarely work without teachers. (Table 3.6)

f. In Chapter 1 reading at the elementary level, according to observations in a case study sample, teacher-directed instruction (i.e., lecture or recitation) is more frequent than seatwork or surrogate (e.g., computer) activities. Chapter 1 math instruction, on the other hand, includes less teacher-directed instruction, relying heavily on the use of worksheets. (Rowan et al., 1986, Chapter 5)

g. In middle/secondary schools, on the other hand, teacher-directed instruction is virtually absent from Chapter 1 programs. In 7 out of the 10 middle/secondary school projects observed in case studies, lessons consisted of less than 20% direct instruction; most time was devoted to seatwork or surrogate (e.g., computer) activities. The Chapter 1 middle/secondary school students were also engaged in more independent as opposed to guided practice. (Rowan et al., Chapter 5)

h. Most Chapter 1 reading and math projects observed in public elementary schools provided students with few opportunities to engage in higher-order skills. In reading, for example, students were taught phonics and vocabulary and read words or sentences. They were rarely asked to read paragraphs or stories or to construe meaning from text. In math, students practiced computation skills and rarely applied math facts to solving problems. Those districts that include more higher-order thinking skills in Chapter 1 instruction have been influenced by state educational reform movements and associated testing programs. (Rowan et al., Chapter 5; Knapp et al., Chapter 9)

3. Teacher Qualifications

a. Almost all elementary Chapter 1 teachers hold at least a bachelors degree, and over one-third hold a masters degree. These Chapter 1 teachers as a group have similar credentialing levels to regular classroom teachers. (Table 3.7)

b. Nearly three-quarters of the aides assisting elementary Chapter 1 teachers hold no degree or teaching certificate. These Chapter 1 aides as a group have somewhat less education than regular aides. (Table 3.7)

c. Elementary Chapter 1 teachers, on average, have 13 years of teaching experience, a number roughly comparable to that of regular classroom teachers. (Table 3.7)

B. Decisionmaking About Services

1. The Title I and Chapter 1 laws have given local educators considerable discretion in designing compensatory programs. As a result, important features of Chapter 1 vary across school districts. Chapter 1 permits local decision making in staffing, settings, subject matter, and instructional approaches. (Goertz et al., 1987; Knapp et al., 1986; Wood et al., 1986; Farrar et al., 1986)

2. Due to a combination of federal, state, and local factors, local Chapter 1 decisions do not change much from year to year. One reason is that the influences on decisions remain stable. (Knapp et al., 1986; Farrar et al., 1986)

- For example, local administrators think the legal framework has not changed much over the years; with few exceptions, they see Chapter 1 as basically a continuation of the Title I requirements.

- Local influences such as educational philosophy of key administrators and staff composition (e.g., the mix of teachers and aides on the staff) seldom change much from year to year.

Another reason for program stability is that most local decisions are "nondecisions": Rather than considering alternatives to their current Chapter 1 arrangements every year, decisionmakers generally leave most features of the previous year's program in place.

C. The Relationship Between Chapter 1 and the Regular Instructional Program

1. Differences in Program Relationships

Based on case study findings, the relationship between Chapter 1 and regular classroom instruction varies substantially across schools. In some schools the two were closely related and supportive; in other schools Chapter 1 instruction operates as an alternative to students' regular classroom work. (Rowan et al., Chapter 8)

2. Factors that Encourage or Inhibit Program Coordination

a. Case studies revealed that administrators use a variety of techniques to foster the relationship between Chapter 1 and regular instruction: joint planning time, coordination sheets (where teachers exchange monthly learning objectives and comments about progress), basal reading and math textbook series that include supplementary materials, special scheduling, and various teacher conferences. (Knapp et al., Chapter 13; Rowan et al., Chapter 8)

b. In many of the case study districts, increased standardization of the regular classroom curriculum into tightly specified objectives and predetermined sequences of skills promoted a close relationship between Chapter 1 and regular classroom instruction. When standardization was combined with a district-wide testing emphasis, this effect was heightened. (Knapp et al., Chapter 13)

c. According to case studies, the extent of collaboration between Chapter 1 and regular instructional staff depends more on informal coordination than formalized structures. Interpersonal relationships among school-level staff have a tremendous influence on the degree of actual coordination. (Knapp et al., Chapter 13; Rowan et al., Chapter 8)

d. Case studies indicated several factors that inhibit close coordination between Chapter 1 and the regular program:

- supervisor assignments that separate regular and Chapter 1 teachers;
- autonomous Chapter 1 instructional designs (e.g., independent sets of objectives, special reading labs);
- staff desires to work autonomously. (Knapp et al., Chapter 13)

3. Curricular Consistency and Student Abilities

a. Case studies suggest that the optimal relationship between instruction in the regular and Chapter 1 program may differ depending on the abilities of the students. When students are far behind grade level, Chapter 1 programs that provide alternative instruction may be more beneficial. Alternatively, Chapter 1 instruction that closely parallels the regular program instruction appears more effective for students only slightly behind in grade-level skills. (Rowan et al., Chapter 8)

b. Case studies found few instances where school staff linked student abilities to the type of Chapter 1 instruction provided (i.e., whether or not it was closely related to instruction in the regular classroom). (Rowan et al., Chapter 8)

4. What Students Miss When They Receive Chapter 1

a. Case studies indicated and survey data confirm that elementary students most often miss other reading activities when they participate in Chapter 1 reading programs. This pattern did not occur as strongly in math, where students receiving Chapter 1 math were equally as likely to miss activities in a range of subjects other than math. (Rowan et al., Chapter 8, Table 3.8)

b. At the middle/secondary level, 42% of Chapter 1 teachers reported that students participating in Chapter 1 missed instruction in academic subjects. Other times when Chapter 1 was provided included study halls, free periods, non-academic subjects, or before and after school. (Table 3.9)

c. When case study researchers combined data about the time that students miss regular reading or math instruction with data on the time that students received Chapter 1 reading or math instruction, Chapter 1 appeared to increase modestly the total time that students participate in reading or math activities. (Rowan et al., Chapter 9) This estimate was based on case study observations; we are still estimating its consistency with our survey data.

IV. The Administration of Chapter 1

A. Changes in Administrative Policies Under Chapter 1

1. Chapter 1 changed federal policy in several areas. Requirements were relaxed for demonstrating comparability, involving parents, documenting school and student selection, and conducting evaluations. The supplement-not-supplant requirements pertaining to state and local compensatory programs were also changed. (Gaffney and Schember, 1987) In general the effects of these changes have been modest, but some effects are visible. (Table 4.1; Farrar et al., Chapter 4 and Appendix)

2. Most states continue to require similar local practices and documentation under Chapter 1 as under Title I. The areas of greatest change are parent involvement, comparability and maintenance of effort. (Table 4.1; Farrar et al., Chapter 4 and Appendix)

3. After Chapter 1 eliminated the requirement for school districts and schools to sponsor parent advisory councils:

   - council requirements were eliminated by 45 of the 50 SEAs (State Survey);

   - nearly half of all participating school districts retained their district advisory councils, and about one of three participating schools kept their school advisory councils (Table 4.2, District Survey);

   - larger districts were more likely than smaller districts to keep their parent councils. (Table 4.2)

4. Federal standards for demonstrating and documenting comparability were eased under Chapter 1. Forty-three states reduced comparability requirements in some way. Case study data suggest that most changes are in the criteria that districts employ in demonstrating comparability. Also, in a minority of states, districts were no longer required to document comparability through annual calculations. (State Survey; Farrar et al., Chapters 2 and 4)

   a. Among districts with both Chapter 1 and non-Chapter 1 attendance areas, over 80% of those that enroll 2,500 students or more continue to calculate comparability. (Table 4.3)

b. The criteria used by districts to demonstrate comparability under Chapter 1 are frequently less stringent than under Title I (Table 4.4).

c. The percent of districts reallocating resources due to a finding of noncomparable services was low under Title I (about 9%) and has declined only slightly (to about 7%) under Chapter 1 (District Survey).

5. Chapter 1 made it easier for districts to certify that they were maintaining previous levels of state and local fiscal effort and reduced substantially the penalties for failing to maintain effort. Both of these changes had substantial effects: (Table 4.5; Farrar et al., Appendix)

- About 23% of all districts met the new maintenance of effort standard but would not have met the old one. At least once between 1982-83 and 1985-86, these districts reported a state and local expenditure declines of less than 10% over two consecutive years.

- Another 20% of all districts did not meet the new maintenance of effort standard and have been subject to lesser penalties than Title I would have prescribed.

6. Chapter 1 permits school districts additional flexibility in allocating resources for state and local compensatory education to non-Chapter 1 schools. Case studies suggest, however, that districts allocating these resources much as they did under Title I. (Goertz et al., Chapter 7)

7. The Chapter 1 legal framework eliminated the Title I requirement that local programs use federally-mandated evaluation models, but most states and districts continue to use these models under Chapter 1. (Farrar et al., Chapters 2 and 4) However, the number of states that use the evaluation models is declining and there are problems with data quality. (See Special Topic F - Evaluation)

B. Federal Administrative Staffing and Activities Under Chapter 1

1. The number of Federal staff assigned to administer the Chapter 1 program has declined by 46% from FY 1981 to FY 1986. ED officials considered the decreases to be consistent with ECIA's goals of reducing Federal burden

and prescription and increasing the program's efficiency. (Table 4.6; Funkhouser, et al., 1987, Chapter 3)

2. With the changes in staffing, program reviews have become less frequent, the number of staff conducting reviews has declined, and fewer staff provide technical assistance in parent involvement, needs assessment, basic skills and school and student selection practices. However, technical assistance in providing services to private school students and program improvement, has increased. (Funkhouser et al., 1987; Chapter 3, Moore and Pontzer, Chapter 1)

3. U.S. ED continues to collect and report Chapter 1 achievement data based on the evaluation models adopted in 1976, even though the law no longer requires the use of these models. (Reisner and Marks, 1987, Chapter 2)

4. Since 1981, ED has launched a set of activities intended to promote the improvement of Chapter 1 instruction. These activities include:

   - small grants to SEAs for designing approaches to improve quality,
   - recognition of 246 particularly successful Chapter 1 projects,
   - emphasizing program improvement in the technical assistance provided by Technical Assistance Centers (TACs) to school districts.

   Promoting improvement has posed challenges because of the voluntary nature of state and local participation, the reluctance of states to commit resources to it and the problems associated with linking Chapter 1 with broader educational reform movements. (Reisner and Marks, Chapter 3)

C. State and Local Administrative Staffing and Activities

1. There are fewer state and local program administrators under Chapter 1 than under Title I.

   - The number of state administrative staff has declined by about 30% since Title I, with state coordinators attributing the decline to the reduction in the federal set-aside for state administration. (Table 4.7; Farrar et al., Chapter 2)

- Chapter 1 administrative staff at the local level has declined by about 13% since the last year of Title I. The reductions, which appear to be frequently independent of changes in local program budgets, most affected parent, curriculum and evaluation specialists. The numbers of local fiscal specialist staff, by contrast, have increased significantly since the last year of Title I. (Table 4.8)

2. In virtually all states, monitoring visits are less frequent or conducted by fewer people since the last year of Title I. However, the frequency of state-mandated or conducted audits of Chapter 1 has gone up due to the move to single auditing procedures. No consistent pattern of change since Title I is apparent in the area of state technical assistance and program improvement activities. (Table 4.3; Farrar et al., Chapter 2)

3. School districts do not appear to have noticed the reductions in intensity of state monitoring. Ninety percent of districts report that state monitoring is as thorough or more thorough now than it was under Title I. About the same percent also report auditing of their Chapter 1 programs to be as thorough or more thorough than under Title I. (District Survey)

4. Nearly all state educational agencies consider the assurance of local educational agency compliance to be their principal administrative responsibility, just as they did under Title I. Case studies reveal high levels of state and local administrators' attention to ensuring compliance with program rules and regulations. (Farrar et al., Chapters 2, 3, and 5)

5. About one-fourth of districts report state assistance in the area of program improvement. This proportion is the same as reported in the last year of Title I. The level of local administrative attention to program improvement varies greatly across school districts and is largely independent of reported state emphasis in this area. (District Survey; Farrar et al., Chapters 3 and 5)

D. State and Local Administrative Burden

1. States generally report no changes in administrative burden from Title I to Chapter 1. The few states that now require only assurances rather than documentary evidence to demonstrate compliance with the law do report substantial reductions in administrative burden,

however. (Farrar et al., Chapter 2)

2. Most local administrators report no change in the amount of time it takes to perform administrative tasks. However, many report reductions in administrative time for parent involvement and, in larger districts, comparability. (Tables 4.10 and 4.11; Farrar et al., Chapters 2 and 4)

V. SPECIAL TOPICS

Special Topic A: Private School Students' Participation

1. Number of Students Served

   a. The number of private school students participating in Chapter 1 at the start of the 1986-87 school year was about 28% lower than the number of such students receiving Chapter 1 services during the 1984-85 school year--the year prior to the Felton decision. (Table A-1). Over this time period, the number of Chapter 1 students enrolled in nonsectarian private schools actually increased, but the number of Chapter 1 students enrolled in sectarian private schools declined by 29%.

   b. The number of school districts serving private school students in their Chapter 1 program has remained relatively constant from 1984-85 to 1986-87. However, 62% of these districts reported serving fewer private school students in 1986-87 than 1984-85. (Table A-2)

   c. The number of private school students served in the Chapter 1 program at the end of the 1986-87 school year is likely to be higher than the number reported at the beginning of the 1986-87 school year. Approximately 11% of the districts serving private school students in their Chapter 1 programs at the beginning of this school year expected to increase the number of private school students they planned to serve by the end of the school year. Higher proportions of large districts and urban districts expected these increases, compared to smaller or less urban districts. (FRSS, 1986)

2. Location of Services

   a. The Felton decision had a notable effect on the location of Chapter 1 services to private school students. (Table A-3)

      - Before the Felton decision, the vast majority of districts (76%) that provided Chapter 1 services to private school students served them in the schools which they attended. This resulted in serving about 90% of all Chapter 1 private school students in their own schools.

      - After the Felton decision, Chapter 1 services to private school students were provided in public schools (in 55% of districts and to 22% of all private school students), mobile vans (in 19% of districts and to 29% of students), at another site off the premises of the private school (in 24% of districts and to 30% of students), or some combination of these locations. (Table A-3)

b. Since the Felton decision, there has also been a notable increase in the number of private school students who received all or part of their Chapter 1 instruction through technology (e.g., via computer, telephone, or television broadcast) without a Chapter 1 teacher or aide present. In 1984-85, only about 2% of private school students received this type of Chapter 1 service; in 1986-87, about 17% of private school students obtained their Chapter 1 instruction in this manner. (FRSS, 1986)

3. Similarity of Services

Case studies of resource allocation conducted for the Chapter 1 National Assessment indicate that the nature and level of services received by private school students in Chapter 1 are similar to those received by public school students. (Goertz et al., Chapter 6) A preliminary review of nationally representative survey data appears to support this finding although a more detailed analysis is currently being conducted.

Special Topic B: Schoolwide Projects

1. Extent of Current Use

a. Very few schools currently use the schoolwide projects option. In 1985-86, close to 5,000 elementary schools, (almost 14%) reported poverty concentrations of 75% or more, and were, therefore, eligible for a schoolwide project. Yet, less than 5% of these schools reported schoolwide projects. Less than 1% of all districts reported using the schoolwide projects provision in 1985-86 (District Survey); similar low levels were reported in earlier studies. (Goor and Farris, 1980)

b. Schoolwide projects are not adopted more frequently for several reasons:

- a reluctance to concentrate in a few particularly needy schools the matching funds required for this option;
- apprehension about implementing a new program that might end because of changes in the district's fiscal situation or the school's concentration of poor students;
- lack of awareness of the option on the part of district and especially school personnel (Knapp et al., Chapter 12, Wood et al., Chapter 6).

2. Activities in Schoolwide Projects

a. Case study evidence suggests that schools which have adopted schoolwide projects use the option for a range of activities. These activities are not necessarily comprehensive school reforms. Examples of schoolwide projects observed or planned in our case studies are:

- establishing a content-based reading program in science and hiring a full-time science teacher for the school. The teacher developed a new curriculum, held in-service training for all teachers in the school and taught science classes;
- reducing the student/teacher ratio to 15/1 in an elementary school;
- establishing a computer lab and hiring an extra pre-K teacher;

- reducing all class sizes, hiring resource teachers and providing in-service training to regular teachers in the school. (Knapp et al., Chapter 12)

3. Expanding the Option's Use

   a. If the minimum average poverty rate for schoolwide projects were reduced from 75% to 60%, the number of schools eligible for schoolwide projects would increase from about 7,000 to 10,000 elementary and secondary schools, an increase of close to 45%. (Table B-1)

   b. The effects of adopting schoolwide projects would differ across districts depending on the school and student selection practices already in place and the number and proportion of schools that would be eligible in those districts. (Wood et al., Chapter 4)

Special Topic C: Pullout Models

1. The great majority of elementary school Chapter 1 teachers report using pullouts to deliver services, making the pullout setting by far the most commonly used service delivery model in elementary schools.

    - Pullouts are most common in reading and least common, though still a solid majority, in language arts. (Table C-1)

    - In-class arrangements are the next most common program model in elementary schools. (School Survey)

2. The proportion of school districts that employ pullout models is basically unchanged since the last year of Title I. The percent of districts using pullouts for at least some of their Chapter 1 services was 92% in 1981-82 and 95% in 1985-86. (District Survey)

3. Researchers have not been able to trace differences in academic achievement unambiguously to the use of one or another service delivery model. The absence of a clear relationship is partly due to a lack of clear differentiation of the models when implemented. Wide variations in many program design features exist within both pullout and other program models used in Chapter 1. (Tables C-2, C-3)

4. Case study data suggest that pullout settings are the most commonly used settings for Chapter 1 because:

    - pullouts are a traditional form of delivering services, districts and schools tend not to change approaches;

    - they are considered to be clearly compliant with the "supplement-not-supplant" requirements of Chapter 1;

    - they avoid competition between teachers and fit with prevailing small group models for teaching compensatory education;

    - they are perceived as effective in promoting academic achievement. (Knapp et al., Chapter 6)

5. In-class models are also perceived as academically effective by those who use them. In addition, they are chosen by those who favor keeping the regular teacher in charge of all instruction and those who prefer to hire aides rather than teachers. (Knapp et al., Chapter 6)

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6. Pullouts have been criticized for disrupting classrooms, stigmatizing low achievers, and fragmenting the curriculum. Case study data suggest, however, that some of these criticisms may be overstated. Furthermore, to the extent these criticisms are valid they can be also applied to other program settings. (Rowan et al., Chapter 5, Knapp et al., Chapter 6)

Special Topic D: Chapter 1 and State and Local Compensatory Education Programs

1. Extent of Compensatory Services

   a. Almost all elementary schools in the nation receive some compensatory funding. Chapter 1 is much more prevalent than either State Compensatory Education (SCE) or local remedial programs. Many schools offer some combination of compensatory programs. (School Survey)

      - Ninety percent of all elementary schools received some form of compensatory funding, be it Chapter 1, SCE or local remedial funds.

      - Seventy-six percent of elementary schools received Chapter 1 funds, 34% receive State Compensatory Education funds and 31% receive local remedial program funds.

      - Well over a third (39%) of elementary schools received Chapter 1 along with state and/or local compensatory education support. (Table D-1) Of elementary schools receiving SCE funds, 82% also received Chapter 1. (School Survey)

   b. The number of SCE programs and locally-funded remediation programs has increased over the past several years. Nineteen states operated SCE programs in 1985-86, an increase of 6 since the 1981-82 school year. (Funkhouser et al., 1986) Moreover, 37% of districts in 1985-86 received SCE funds compared to 22% in 1981-82. During the same period, districts reporting local remediation programs increased from 10% to 15% (District Survey, District Practices Study 1981-82).

2. Distribution of Compensatory Services

   a. Schools with medium to high rates of poverty are much more likely to receive Chapter 1 than other compensatory education funds. Those with the lowest poverty rates (15% poverty or less) are a little less likely to receive Chapter 1 than other compensatory services. (Table D-2)

   b. There is a difference in the way state versus local compensatory education funds are distributed between Chapter 1 and non-Chapter 1 schools. Chapter 1 schools are more likely to receive SCE funds while non-Chapter 1 schools are more likely to get local remediation resources. (Table D-3)

3. Integration of Compensatory Services

Case study data suggest that districts integrate Chapter 1 and other compensatory education funds in a variety of ways, but that the result is nearly always an increase in the range and/or intensity of services delivered to educationally disadvantaged students. (Goertz et al., Chapters 6 and 7)

Special Topic E: Parent Involvement

1. Parent Councils

   a. Chapter 1 eliminated the requirement for school districts to have parent advisory councils to assist in the design, operation and evaluation of Chapter 1 programs. In response, most states (45 out of 50) eliminated their requirements for District Advisory Councils (DACs), and most districts (56%) and schools (61%) dropped their advisory councils. (State Survey, District Survey and School Survey)

   b. Larger districts were much more likely to retain DACs compared to smaller districts. For example, 73% of districts with over 25,000 students retained their DACs. (Section IV - Table 4.2)

2. State and District Staffing and Activity Levels

   a. State and district staff and activities devoted to parent involvement have declined under Chapter 1:

      - The number of states with parent specialists declined from 16 to 8. (State Survey)

      - The number of district parent specialists declined by about 50%. (District Survey)

   b. Local Chapter 1 administrators consider parent involvement as relatively burdensome under Chapter 1, as they did under Title I. Of eight policy requirements parent involvement was considered the most burdensome under Title I and second most burdensome under Chapter 1. (District Survey)

3. Types of Local Parent Involvement and Their Levels

   a. Parent involvement in Chapter 1 is of three types according to case studies and data from the survey of district Chapter 1 coordinators:

      - involvement of parents with their child's education. This type of involvement, which is by far the most frequently reported, includes such things as home tutoring and meeting with Chapter 1 teachers;

      - involvement of parents in the school setting such as assisting the Chapter 1 teacher;

- involvement of parents in the governance of the Chapter 1 program, specifically through advising on the program design and participating in the evaluation. (Table E-1).

b. Most local Chapter 1 administrators report no differences in the levels of parent involvement between Title I and Chapter 1. Of the administrators who reported a difference, however, most indicated more parent involvement under Title I than under Chapter 1 especially in the area of program design. Case study evidence indicates that changes in Chapter 1's parent involvement requirement diminished the perceived legitimacy of many parent activities, not just DACs. (Table E-2, Farrar et al., Chapter 4)

c. Case studies indicate that the form of parent involvement activities in a district depends upon: (1) state factors such as whether the state requires councils, (2) district context, including district size and history of community relations, (3) district actions such as providing institutional support for parent involvement activities, and (4) attitudes of local administrators. (Jay et al., 1987)

4. Differences in Parent Involvement by School Chapter 1 and Poverty Status

a. Principals in non-Chapter 1 schools are much more likely to report high levels of parent involvement than are principals in Chapter 1 schools. (Table E-3)

In particular, principals reported that:

- Parents of students in non-Chapter 1 schools are roughly twice as likely to be "very involved" in PTA meetings as are parents of students in Chapter 1 schools (40% versus 22%).

- Parents of students in non-Chapter 1 elementary schools are notably more likely (48% versus 32%) to be "very involved" in other informal parent-teacher contacts.

- Parents of students in non-Chapter 1 schools are just over three times as likely (43% versus 14%) to be "very involved" as volunteers in the classrooms.

- Parents of students in non-Chapter 1 schools are nearly three times as likely (40% versus 14%) to be "very involved" in helping students with schoolwork at home.

b. Within Chapter 1, principals of schools with very high rates of poverty (75% or greater) are much less likely to report high levels of parent involvement than are principals of schools with low rates of poverty (less than 15%). (Table E-4)

In particular, principals reported that:

- Parents of students in schools with low poverty rates are roughly twice as likely as those of students in concentrated poverty schools to be "very involved" in PTA meetings (41% versus 21%) as well as in other informal parent-teacher contacts (44% versus 19%).
- Parents of students in schools with low rates of poverty are roughly twice as likely (22% versus 10%) as those of students in concentrated poverty schools to be "very involved" as in-class volunteers.
- Parents of students in schools with low poverty rates are much more likely (18% versus 2%) to be very involved in helping students with schoolwork at home than is true of parents of students in concentrated poverty schools.

Special Topic F: Program Evaluation

1. Use and Reporting of Evaluation Models Mandated Under Title I.

   a. School districts, state education agencies, and the U.S. Department of Education (ED) continue to collect and report Chapter 1 achievement data based on the evaluation models adopted in 1976, even though the law no longer requires the use of these models. (Farrar et al., Chapter 4; Knapp et al., Chapter 4; Reisner and Marks, Chapter 1)

      - Because Chapter 1 does not require use of the models, some school districts no longer collect data using them. (Knapp, et al., Chapter 4; Reisner and Marks, Chapter 2) Even so, the proportion of SEAs and school districts that continue to use the models is high.

        -- 39 of 50 SEAs in 1985-86 required require the use of the Title I models. (State Survey)

        -- 46 of 50 SEAs reported that all their districts used the models. (State Survey)

        -- 86% of all districts reported using the same evaluation procedures that were used during Title I. (District Survey)

   b. Several factors are responsible for most states and school districts continuing to use the Title I evaluation models:

      - ED has urged them to continue their use and makes assistance available to them through the Chapter 1 Technical Assistance Centers (TACs) for this and other purposes (Reisner and Marks, Chapter 2)

      - The practice has become routinized (Farrar et al., Chapter 4; Knapp et al., Chapter 4)

      - States and school districts see the value of the information as a public demonstration of Chapter 1 accountability and program effectiveness and as a general guide for assessing and improving their Chapter 1 programs (Knapp et al., Chapter 4)

   c. The achievement information reported in ED's national aggregation is generally consistent with achievement data generated in national studies, such as the

Sustaining Effects Study. (Kennedy, et al., 1987) The data contain many errors, however, due to mistakes in areas such as sampling, state-level aggregation, testing cycles, and test selection. (Reisner and Marks, Chapter 2)

2. Evaluation Staffing and Activity Levels in States and School Districts

   a. Relative to other specialist staffing functions, the number of Chapter 1 evaluation specialists in states has remained stable since the last year of Title I.

      - 29 of 49 states reported no change in evaluation specialist staffing between 1981-82 and 1985-86. Of the remainder, 14 reported staffing decreases, while 6 indicated increases. (State Survey)

      - The number of state evaluation staff for Chapter 1 declined 15% since the last year of Title I (District Survey). While this decline is smaller than for any other staff specialist category, it has probably affected technical assistance to school districts. The percent of districts reporting their state helpful in the area of evaluation declined from 46% to 30%. (District Survey) When staffing cutbacks occurred, administrators attributed them to the reduction in the set-aside for state administration (Farrar et al., Chapter 2)

   b. Some TAC directors report that SEAs have been using their services to make up for cutbacks in state evaluation specialist staffing. (Reisner and Marks, Chapter 2)

   c. The number of local evaluation specialists under Chapter 1 declined by 34% between the last year of Title I and 1985-86 (Table 4.8). Case studies suggest that these staffing cuts have reduced the time evaluators spend in schools and their ability to respond to new requests for analysis. (Farrar et al., Chapter 4)

3. Uses of Program Evaluation Information by School Districts

   a. Whether a school district uses Chapter 1 evaluation data to improve its program depends on several factors, including district size, the presence of skilled evaluators, the district's interest in and commitment to evaluation, the need to assess controversial design options, and state or local emphasis on improving test scores for all students. (Farrar et al., Chapter 4; Knapp et al., Chapter 4)

b. Large districts tend to be more knowledgeable about evaluation, to go beyond what the SEA and ED require in evaluation, and to use evaluation data in program decisions. (Farrar et al., Chapter 4; Knapp et al., Chapter 4)

c. The most common uses of evaluation information are for (1) program design decisions, (2) diagnosis and prescription for individual students, and (3) general feedback within the school district and community. The first two uses also contribute to local needs assessment activities. (Farrar et al., Chapter 4; Knapp et al., Chapter 4)

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TABLE 1.1

Distribution of Chapter 1 Public School Students in Relation to All Students by District Poverty Level, Urbanicity, and Number Enrolled, 1984-85

	Number of Chapter 1 Public School Students[a]	Percent of Chapter 1 Public School Students	Number of Public School Students[b]	Percent of Public School Students
Poverty Level of District				
Lowest Quartile (0-7.2 percent Poor)	438,930	9	8,449,500	23
Second Lowest Quartile (7.3-12.4 percent Poor)	803,974	17	9,004,550	24
Second Highest Quartile (12.5-20.9 percent Poor)	1,363,870	29	10,511,700	28
Highest Quartile (21-100 percent Poor)	2,102,930	45	9,175,530	25
	4,709,704	100%	37,141,280	100%
Urbanicity of District				
Urban	1,744,770	37	9,809,160	26
Suburban	1,397,430	30	15,521,100	42
Rural	1,574,640	33	11,885,900	32
	4,716,840	100%	37,216,160	100%
Number Enrolled in District				
Less than 1,000 students	373,391	7	2,989,340	8
1,000 - 4,999 students	1,362,600	29	11,911,100	32
5,000 - 9,999 students	713,483	15	6,189,580	17
10,000 students or more	2,267,360	49	16,126,200	43
	4,716,834	100%	37,216,220	100%

N = 2145 (sample of Chapter 1 districts). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86, with poverty measure from the 1980 STF3F Census mapping tape of school district boundaries.

[a] Sums are slight under-estimates due to missing data and limiting student weighting factors to 2 decimal places.

[b] Numbers are only for districts receiving Chapter 1.

Table reads: Of all Chapter 1 students in the nation, 438,930 or 9 percent are in districts classified in the lowest quartile of poverty. Of all public school students residing in Chapter 1 districts, 8,449,500 or 23 percent are in districts classified in the lowest quartile of poverty.

TABLE 1.2

Distribution of Chapter 1 Students in Public Elementary Schools by School Poverty Quartiles

Poverty Level of Schoola/	Percent of Chapter 1 Students
Lowest Quartile (0 to 15 percent Poor)	12
Second Lowest Quartile (15.1 to 30 percent Poor)	14
Second Highest Quartile (30.1 to 50 percent Poor)	18
Highest Quartile (50.1 to 100 percent Poor)	57
	100%b/

N = 348 (sample of public Chapter 1 elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for Chapter 1 National Assessment, 1985-86.

a/ School poverty classifications are based on principals' reports of the percent of students enrolled in their schools who were eligible for free or reduced price lunches during the 1985-86 school year.

b/ Percent does not sum to 100 due to rounding.

Table reads: Of all Chapter 1 students in public elementary schools, 12 percent are in the lowest poverty quartile of schools.

TABLE 1.3

Presence of Chapter 1 Services in Public Elementary Schools with High Concentrations of Disadvantaged Students

Characteristics of Schools	Receiving Chapter 1 Services		Total
	Yes	No	
Highest Poverty Quartile of Schools[a]	87	13	100%
Lowest Achievement Quartile of Schools[b]	83	17	100%
Minority Concentrations of 50 Percent or Greater[c]	78	22	100%

N = 688 (sample of public elementary schools), 354 (sample of public Chapter 1 elementary schools), 334 (sample of public non-Chapter 1 elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

a/ School poverty classifications are based on principals' reports of the percent of students enrolled in their schools who were eligible for free or reduced priced lunches during the 1985-86 school year.

b/ Achievement levels are based on principals' estimates of percents of their students whose reading achievement levels were below the 50th percentile during the 1985-86 school year.

c/ Minority concentrations are based on principals' estimates of the percents of their students during the 1985-86 school year who belonged to minority racial/ethnic groups.

Table reads: Among public elementary schools in the highest poverty quartile of schools, 87 percent receive Chapter 1 services.

TABLE 1.4

Presence of Chapter 1 or State Compensatory Education Services in Public Elementary Schools by School Poverty Level Extremes

	Percent of Schools Receiving Chapter 1			Percent of Schools Receiving Chapter 1 or State Compensatory Education		
Poverty Level of School[a/]	Yes	No	Total	Yes	No	Total
Lowest Poverty (0-15 percent poor)	57	43	100%	66	34	100%
Highest Poverty (75 percent or more poor)	86	14	100%	93	7	100%

N = 688 (sample of public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

a/ School poverty classifications are based on principals' reports of the percent of students enrolled in their schools who were eligible for free or reduced price lunches during the 1985-86 school year.

Table reads: Among principals in the lowest poverty public elementary schools, 57 percent report that their schools receive Chapter 1 services.

TABLE 1.5

Distributions of Chapter 1 Elementary Schools by Poverty Level of District[a/]

	Poverty Level of School			
Poverty Level of District[b/]	Lowest School Poverty Quartile (0 to 15.0%)	Second Lowest School Poverty Quartile (15.1 to 30.0%)	Second Highest School Poverty Quartile (30.1 to 50.0%)	Highest School Poverty Quartile (50.1 to 100.0%)
Lowest District Poverty Quartile (0 to 7.2 percent poor)	52	18	5	1
Second Lowest District Poverty Quartile (7.3 to 12.4 percent poor)	46	64	25	11
Second Highest District Poverty Quartile (12.5 to 20.9 percent poor)	--[c/]	12	56	29
Highest District Poverty Quartile (21 to 100 percent poor)	1	5	14	59
Total	100%[d/]	100%[d/]	100%	100%

N = 160 (sample of low poverty public elementary schools). Table values based on weighted data.

Source: District and School Surveys conducted for the Chapter 1 National Assessment, 1985-86.

a/ School poverty classifications are based on principals' reports of the percent of students enrolled in their schools who were eligible for free or reduced price lunches during the 1985-86 school year.

b/ District poverty quartiles obtained from STF3F Census mapping tape of school district boundaries.

c/ Figure is less than one percent.

d/ Percent does not sum to 100 due to rounding.

Table reads: Of all Chapter 1 elementary schools in the lowest school poverty quartile, 52 percent are in the lowest district poverty quartile.

TABLE 2.1

Options Used by Chapter 1 Districts for Selecting School Attendance Areas (SAA's) to Receive Chapter 1 Services

Selection of SAA's for Chapter 1	Percent of Chapter 1 Districts[a]	Percent of Chapter 1 Students[a]
Options Used[b]		
Group SAA's according to grade spans	46	44
Select SAA's with uniformly high concentrations of children from low income families	43	19
Select a school in an otherwise ineligible SAA if the school itself has a percentage of low-income students similar to that of eligible SAA's (i.e., attendance vs. residence)	25	30
Select SAA's with 25 percent or more children from low-income families (i.e., the "25 percent rule")	21	36
Continue to serve a school no longer eligible if it was eligible in either of 2 preceding years (i.e., "grandfathering")	12	39
Skip a higher ranked school and serve a lower one if it has a greater degree of educational deprivation	7	8
Skip eligible schools if comparable services are being received from non-Federal funds	5	8
Districts Using at Least One Option	95	-

N = 1009 (sample of school districts). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86

[a] Percentages based on only those districts that must make school selection determinations.

[b] Categories are not mutually exclusive.

Table reads: Of all Chapter 1 school districts that must select schools for the receipt of Chapter 1 services, 46 percent report that they group SAA's according to grade spans.

TABLE 2.2

Selected Options Used by Chapter 1 Districts for Selecting School of Attendance Areas (SAA's) to Receive Services Under Title I and Chapter 1

Options Used	Percent of Districts Under Title I (1981-82)[a]	Percent of Districts Under Chapter 1 (1985-86)[a]
Select SAA's with uniformly high concentrations of children from low-income families	29	43
Group SAA's according to grade spans	48	46
Continue to serve a school no longer eligible if it was eligible in either of 2 preceding years (i.e., "grandfathering")	20	13
Exempt the district from targeting requirement because of 1000 or fewer children enrolled	--[b]	6

N = 312 (sample of school districts under Title I), 1244 (sample of those under Chapter 1). Table values based on weighted data.

a/ Categories are not mutually exclusive. Percentages based on only those districts that must make school selection determinations.

b/ Not an option under Title I.

Source: District Practices Study, 1981-82 and district survey conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Under Title I in 1981-82, 29 percent of all Chapter 1 school districts that had to select schools to receive Title I services selected SAA's using the uniformly high concentrations of children option.

TABLE 2.3

District Use of Selection Criteria for Chapter 1 Students

Selection Criteria Used	Percent of Districts
Standardized Tests Alone	27
Standardized Tests and Teacher Judgment	49
Standardized Tests and Other Multiple Criteria[a/]	21
Other Criteria not Including Standardized Tests	3
	100%

N = 1271 (sample of school districts). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

[a/] Usually consists of standardized tests, teacher judgment and additional criteria such as locally developed tests.

Table reads: Of all school districts with Chapter 1, 27 percent use standardized tests alone as criteria for selecting Chapter 1 students.

TABLE 3.1

Number and Percent of Chapter 1 Students Served in Public Schools by Grade Level, 1984-85

Grade Level	Number of Chapter 1 Students Served	Percent of Chapter 1 Students Served
Pre-Kindergarten	40,526	1
Kindergarten	315,704	7
Grade 1	600,971	13
Grade 2	589,117	12
Grade 3	566,145	12
Grade 4	555,339	12
Grade 5	505,819	11
Grade 6	438,064	9
Grade 7	339,368	7
Grade 8	303,062	6
Grade 9	230,616	5
Grade 10	131,695	3
Grade 11	73,476	2
Grade 12	47,645	1
Total	4,734,580	100a/

a/ Percents do not sum to 100 due to rounding.

Source: Chapter 1 Evaluation and Reporting System 1984-85.

Table reads: Chapter 1 served 40,526 students in pre-kindergarten in 1984-85; this number represented about 1 percent of all public school students served by this program.

TABLE 3.2

Subjects and Combinations of Subjects Offered as Part of Chapter 1 Services in Public Schools

Subjects and Combinations of Subjects	Percent of Chapter 1 Elementary Schools[a]	Percent of Chapter 1 Middle/ Secondary Schools[a]
Single Subjects		
Reading	97	85
Math	63	62
Language Arts	32	44
ESL	13	8
Combinations of Subjects		
Reading Only	20	11
Math Only	2	7
Language Arts Only	0	0
ESL Only	0	0
2-3 Subjects	72	77
Reading, Math, Language Arts and ESL	6	4

N = 354 (sample of public Chapter 1 elementary schools), 160 (sample of public Chapter 1 middle/secondary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Categories are not mutually exclusive.

Table reads: Of all public Chapter 1 elementary schools, 97 percent offer reading, while only 20 percent offer reading alone.

TABLE 3.3

Intensity of Chapter 1 Reading and Math Instruction in Public Schools

Intensity of Instruction by Subject	Chapter 1 Instruction in Public Elementary Schools		Chapter 1 Instruction in Public Middle/Secondary Schools	
	Median	Interquartile Range (Q1-Q3)[a]	Median	Interquartile Range (Q1-Q3)[a]
Reading				
Student/Staff Ratio	4	3 to 6	6	4 to 9
Days Per Week	5	5 to 5	5	5 to 5
Minutes Per Day	35	30 to 50	45	40 to 50
Math				
Student/Staff Ratio	4	3 to 7	8	3 to 8
Days Per Week	5	4 to 5	5	4 to 5
Minutes Per Day	30	30 to 50	45	40 to 55

N = 934 (sample of Chapter 1 teachers in pubic schools). Table values based on weighted data.

Source: Survey of schools conducted for Chapter 1 National Assessment, 1985-86.

[a] Figures are the values at the first and third quartiles and represent the amount of variation around the median. For example, the interquartile values of 30 to 50 minutes per day of reading mean that approximately half of all public elementary schools have Chapter 1 reading for an amount of time in between these values.

Table reads: Of all Chapter 1 teachers in public elementary schools, the median number of students per staff member during Chapter 1 reading is 4, while the median days per week of Chapter 1 reading instruction is 5.

TABLE 3.4

Types of Settings in Which Chapter 1 Reading and Math Services are Provided by Public Elementary Schools

Type of Setting	Percent of Public Chapter 1 Elementary Schools[a]
Reading	
In class	28
Limited Pullout	84
Extended Pullout	12
Replacement	3
Before/After School	2
Summer School	10
School Wide	5
Math	
In class	36
Limited Pullout	76
Extended Pullout	14
Replacement	4
Before/After School	2
Summer School	10
School Wide	6

N = 343 (sample of public Chapter 1 elementary schools that offer Chapter 1 reading), 224 (sample of those that offer Chapter 1 math). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Categories are not mutually exclusive.

Table reads: Of all public elementary schools that provide Chapter 1 reading instruction, principals in 28 percent report use of an in-class setting.

TABLE 3.5

Use of the Extended Pullout and Replacement Models for Chapter 1 Instruction in Public Elementary Schools Compared to Their Use in Public Middle/Secondary Schools

Settings Used for Chapter 1 Services	Percent of Public Elementary Schools[a]	Percent of Public Middle/Secondary Schools[a]
Reading		
Extended Pullout	12	21
Replacement	3	16
	15%	37%
Math		
Extended Pullout	14	26
Replacement	4	17
	18%	43%

N = 343 (sample of public Chapter 1 elementary schools that offer Chapter 1 reading), 224 (sample of those that offer Chapter 1 math), 136 (sample of public Chapter 1 Middle/Secondary schools that offer Chapter 1 reading), 100 (sample of those that offer Chapter 1 math). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Percents do not sum to 100 due to the use of other settings used for Chapter 1 services which are not reported here.

Table reads: Of all public elementary schools that provide Chapter 1 reading instruction, principals in 12 percent report use of the extended pullout model for Chapter 1 reading instruction.

TABLE 3.6

Staff Configurations Which Best Describe the Staffing Pattern Used When Chapter 1 Instructional Services are Provided in Public Schools

Subject	Percent of Public Chapter 1 Elementary Schools	Percent of Public Chapter 1 Middle/ Secondary Schools
Reading		
Chapter 1 Teacher with Aide	41	40
Chapter 1 Teacher with No Aide	37	48
Regular Teacher with Chapter 1 Aide	16	11
Chapter 1 Aide with No Teacher	6	1
	100%	100%
Math		
Chapter 1 Teacher with Aide	38	21
Chapter 1 Teacher with No Aide	32	57
Regular Teacher with Chapter 1 Aide	19	19
Chapter 1 Aide with No Teacher	9	2
Not Answered	2	1
	100%	100%

N = 343 (sample of public Chapter 1 elementary schools that offer Chapter 1 reading), 224 (sample of those that offer Chapter 1 math), 136 (sample of public Chapter 1 middle/secondary schools that offer Chapter 1 reading), 100 (sample of those that offer Chapter 1 math). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Of school principals in public elementary schools where Chapter 1 reading is offered, 41 percent report using a Chapter 1 teacher in combination with a Chapter 1 aide for reading instruction.

TABLE 3.7

Qualifications of Both Chapter 1 and Regular Teachers and Aides in Public Elementary Schools

Teacher/Aide Qualifications[a]	Percent of Chapter 1 Teachers/Aides	Percent of Regular Teachers/Aides
Teachers		
Level of Schooling:		
Bachelors degree	21	20
Beyond bachelors degree (but not masters)	29	35
Masters degree	36	31
Beyond Masters degree (but no doctorate)	14	14
Doctoral degree	1	0.1
	100%[b]	100%[b]
Teaching Experience:		
Median years teaching	13	15
Aides		
Level of Schooling:		
No degree/certificate	71	61
Degree/certificate based on less than 4 years	20	14
Bachelors degree	6	13
Beyond bachelors degree	0	1
Don't know	3	9
Not answered	0	2
	100%	100%

N = 621 (sample of Chapter 1 teachers/aides in public elementary schools), 363 (sample of regular teachers/aides in public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Aide qualifications are based on Chapter 1 teachers' reports of the level of education of the aides who assist them.

[b] Percents do not sum to 100 due to rounding.

Table reads: Of Chapter 1 teachers in public elementary schools, 21 percent have earned a bachelors degree, with no further schooling.

TABLE 3.8

Activities Missed When Public Elementary Students Receive Chapter 1 Reading and Math Services As Reported by Classroom Teachers

Activities Missed When Students Received Chapter 1	Percent of Classroom Teachers Indicating
Reading	
Other reading	57
Other basic skills	17
Something else	22
Varies	2
Don't know	1
Not ascertained	1
	100%
Math	
Other math	36
Other basic skills	22
Something else	39
Varies	0
Not ascertained	3
	100%

N = 363 (sample of regular classroom teachers in public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Fifty-seven percent of elementary school classroom teachers indicated that when their students received Chapter 1 reading, they were missing other reading instruction for the regular class.

TABLE 3.9

Instruction or Activities Missed When Middle/Secondary Students Received Chapter 1 Services as Reported by Chapter 1 Teachers/Aides

Instruction or Activities Missed When Students Receive Chapter 1	Percent of Chapter 1 Teachers Responding[a/]
An academic subject	42
A non-academic subject	16
Homeroom or study hall	24
A free period	18
Before or after school	17

N = 313 (sample of Chapter 1 teachers/aides in public middle/secondary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

a/ Percents do not sum to 100 because of multiple responses.

Table reads: Forty-two percent of Chapter 1 teachers in middle/secondary schools indicated that students missed an academic subject when they received Chapter 1 instruction.

TABLE 4.1

Changes in State Education Agency (SEA) Requirements from Title I to Chapter 1 for Five Policy Areas

		Number of States Indicating:			
Policy Area	Number of States Reporting	No Change	Additional Requirements	Reduced Requirements	Other
School Selection	47	39	0	4	4a/
Student Selection	45	34	3	8	--
Evaluation	46	37	3	5	1b/
Comparability	50	7	0	43c/	--
Parent Involvement	50	1	0	45d/	4e/

Source: Survey of state Chapter 1 coordinators conducted for the Chapter 1 National Assessment, 1985-86.

a/ Three states specifically noted the exemption from school targeting requirements for districts under 1,000 as a change. One state reported a change from a 3 to 1 year submission cycle.

b/ One state reported adding an assurance for measurement of sustained effects.

c/ Sixteen of these states have eliminated formal requirements for calculating comparability.

d/ Typically, SEAs required an annual parent meeting and parent consultations. Thirteen of these states have eliminated requirements for reporting parent involvement activities.

e/ Two of these states now require either a district advisory council (DAC) or an acceptable alternative. In two other states, requirements for DACs continued, but requirements for other parent involvement activities have been eased.

Table reads: Of the 46 SEAs that reported information related to requirements for school selection, 39 indicated no change in those requirements.

TABLE 4.2

Percent of Districts Nationally and in Different Enrollment Categories Retaining Chapter 1 District Advisory Councils (DACs)

	Percent of Districts Retaining DACs	
	In All 50 States[a]	In 45 States that Eliminated Formal DAC Requirements[b]
All Districts	44	39
District Enrollment Categories[c]		
Less than 1,000	43	39
1,000 - 2,499	41	34
2,500 - 4,999	45	38
5,000 - 9,999	52	44
10,000 24,999	58	49
25,000 or more	73	66

N = 1244 (sample of districts in all 50 states), 1035 (sample of those in 45 states retaining DACs). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86 and 50 state survey of Chapter 1 coordinators conducted for the Chapter 1 National Assessment, 1985-86.

[a] Includes districts in all 50 states regardless of SEAs' formal requirements for DACs.

[b] Includes only districts in the 45 states that eliminated formal requirements pertaining to DACs.

[c] Percents are based on the number of districts within each enrollment category.

Table reads: Nationally, 44 percent of districts across the 50 states retained district advisory councils (DACs); 39 percent of districts in states that eliminated formal requirements for DACs retained these councils.

TABLE 4.3

Percent of Districts Nationally and Within Different Enrollment Categories That Calculated Comparability

	Percent of Districts Reporting Comparability is:			
	Not Applicable[a/]	Applicable and Calculation Performed	Applicable and Calculation not Performed	Total Applicable
All Districts	49	69	31	100%
District Enrollment Categories[b/]				
Less Than 1,000	72	--[c/]	--[c/]	100%
1,000 - 2,499	43	77	23	100%
2,500 - 4,999	16	83	17	100%
5,000 - 9,999	9	82	18	100%
10,000 - 24,999	3	80	20	100%
25,000 or More	2	88	12	100%

N = 1274 (sample of districts applicable/not applicable), 967 (sample of districts reporting calculation performed/not performed). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

a/ Districts usually considered Chapter 1 comparability provisions to be "not applicable" when they served only one school or one school per grade span grouping. They sometimes considered provisions to be "not applicable" when all schools in the district were Chapter 1 recipients.

b/ Percentages are based on the number of districts falling within each enrollment category.

c/ Sample size too small to permit a reliable estimate.

Table Reads: Forty-nine percent of all districts report that the comparability requirement does not apply to them. Among those districts that indicated it did apply, 69 percent reported they performed comparability calculations in 1985-86.

TABLE 4.4

How Districts Calculate Comparability Between Chapter 1 and Non-Chapter 1 Schools

Method Used	Percent of Districts
Staff Salaries Compared	12
Pupil/Staff Ratios Compared	37
Both Salaries and Staffing Ratios Compared (Similar to 1978 Title I standard)	27
Neither Salaries Nor Staffing Ratios Compared	23
	100%a/

N = 878 (sample of districts that have comparability policies). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

a/ Percent does not sum to 100 due to rounding.

Table reads: Of all districts in the nation, 12 percent report that they calculate comparability between Chapter 1 and non-Chapter 1 schools by comparing staff salaries, but not staffing ratios.

TABLE 4.5

Chapter 1 Districts' Reports of Declines in State and Local Resources Related to Maintenance of Effort, 1982-83 to 1985-86

Consecutive Year Declines[a/]	Percent of Districts
None	54
Declines of less than 10 percent (Meets Chapter 1 but not Title I Standard)	23
Declines of more than 10 percent (Subject to penalty under Chapter 1)	20
Not Ascertained	3
	100%

N = 1274 (sample of Chapter 1 districts). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

[a/] Category refers to a decline experienced during any two consecutive years between 1982-83 and 1985-86.

Table reads: Of all Chapter 1 districts in the nation, 54 percent reported no consecutive year declines in state and local resources between 1982-83 and 1985-86.

TABLE 46

Compensatory Education Programs
Federal Staffing Levels[a] and Organizational History

April 1981 - Present

Office or Division	April 1981 - February 1982	February 1982 - September 1983	September 1983 - October 1985	October 1985 - Present
Office of the Director	4	6	5	9
Grants, Policy and Administration	13	13	24 ("Program Support")	16
Program Development	23	20		
Program Review	33	16 ("Program Support")	30 ("Chapter 1 and Related Programs")	26
Follow Through	22	20		
Migrant Education	--	--	17	--
Total on Board	93	75	76 (Less Migrant Education = 58[b])	51

Source: Funkhouser, J.E., Michie, J., and Moore, M. Federal Administration of Chapter 1, ECIA - Staffing and Financial Support Substudy. Decision Resources Corporation, January 1987.

[a] Full-time permanent positions.

[b] This number excludes Migrant Education Staff as well as one staff member in the Division of Program Support who worked on Migrant Education.

Table reads: The total number of full-time permanent employees administering the Chapter 1 program declined from 93 in FY 1981 to 51 in FY 1986.

TABLE 4.7

Changes in State Staffing Levels for Selected Functions: Title I to Chapter 1[a/]

Staff Function	Staffing Level (in full-time equivalents (FTEs))		Percent Change in Staffing Level
	Title I (1981-82 Data)	Chapter 1 (1985-86 Data)	(1981-82 to 1985-86)
"Generalist"[b/]	466	330	-29
Specialist			
Subject Specialist	32	26	-19
Parent Specialist	10	3	-70
Evaluation Specialist	34	29	-15
Audit/Fiscal Specialist	83	59	-29
Total Specialist	159	117	-26
Other[c/]	46	21	-54
Secretarial	212	141	-33
Total Staff	883	609	-31

Source: 50 State Survey of State Chapter 1 Coordinators conducted for the Chapter 1 National Assessment, 1985-86.

[a/] Data were collected from 49 State Education Agencies.

[b/] These are staff who have general oversight responsibilities for Chapter 1 operations in particular school districts. This number includes the State Chapter 1 Director.

[c/] Examples include information writer, office manager, administrative assistant and attorney.

Table reads: Nationally, state officials reported that there were 466 FTE staff performing "generalist" functions during 1981-82. The comparable figure reported for 1985-86 was 330. This represents a 29 percent decline in the national level of FTE staff performing this function.

TABLE 4.8

Changes in Local Staffing Levels for Selected Functions:
Title I to Chapter 1

	Staffing Level (in full-time equivalents (FTEs))		Percent Change in Staffing Level
Staff Function	Title I (1981-82)	Chapter 1 (1985-86)	(1981-82 to 1985-86)
Coordinator	3,863	3,625	-6
Parent Specialist	703	349	-50
Evaluation Specialist	552	363	-34
Curriculum Specialist	1,807	1,422	-21
Fiscal Specialist	317	516	+63
Total Staff	7,242	6,275	-13

N = 1655 (sample of districts under Title I), 1866 (sample of those under Chapter 1). Table values based on weighted data.

Source: District Survey conducted for the Chapter 1 National Assessment, 1985-86, and the District Practices Study, 1981-82.

Table reads: Nationally, local district officials reported that there were 3,863 FTE Chapter 1 coordinators during 1981-82. This comparable figure reported for 1985-86 was 3,625. This represents a 6 percent decline in the national level of FTE local district Chapter 1 coordinators.

TABLE 4.9

SEA Reports of the Frequency of and Average Person Days Devoted to Monitoring Districts: Title I to Chapter 1

	Title I (1981-82)		Chapter 1 (1985-86)	
District Size[a]	Number of States	Days	Number of States	Days
Large Districts		14.4		10.2
Annual Monitoring Cycle	38		29	
Biennial	4		6	
Triennial	8		12	
Less Frequent or Ad-Hoc	0		3	
Total	50		50	
Medium Districts		5.1		3.4
Annual Monitoring Cycle	22		10	
Biennial	11		13	
Triennial	16		21	
Less Frequent or Ad-Hoc	1		6	
Total	50		50	
Small Districts		2.1		1.7
Annual Monitoring Cycle	13		6	
Biennial	11		8	
Triennial	24		26	
Less Frequent or Ad-Hoc	1		9	
Total	49[b]		49	

Source: 50 state survey of Chapter 1 coordinators conducted for the Chapter 1 National Assessment, 1985-86.

[a] Each SEA used its own definition of large, medium and small districts.

[b] One State was unable to provide information.

Table reads: SEAs report that they assigned an average of 14.4 person-days to monitor large districts in 1981-82 under Title I, but only 10.2 in 1985-86 under Chapter 1.

TABLE 4.10

District Perceptions of Changes in Administrative Time Needed to Perform Various Tasks: Title I to Chapter 1 a/

	Percent of District Chapter 1 Officials Reporting That Time Has:					
Administrative Task	Increased	Decreased	Stayed About the Same	Don't Know	Not Ascertained	Total
Prepare the Chapter 1 Application	23	12	55	6	4	100%
Prepare Chapter 1 Evaluation Reports	28	9	54	6	3	100%
Work on the Chapter 1 Budget	25	6	59	7	3	100%
Ensure Comparability	8	9	41	22	20	100%
Hire, Supervise, and Train Chapter 1 Instructional Staff	16	9	65	6	4	100%
Work on Chapter 1 Curriculum and Program Development	24	5	62	5	4	100%
Arrange Parental Involvement Activities	12	24	51	7	6	100%
Coordinate Chapter 1 with Regular School Program and Other Special Programs	33	3	56	5	3	100%
Interact with Federal and State Officials	20	8	59	9	4	100%

N = 1269 (sample of district Chapter 1 officials). Table values based on weighted data.

Source: Survey of districts conducted for the Chapter 1 National Assessment, 1985-86.

a/ District officials' reported perceptions of changes occurring between 1981-82 and 1985-86.

Table reads: Of district officials nationwide, 23 percent report that the administrative time spent preparing the Chapter 1 application has increased since 1981-82.

TABLE 4.11

District Perceptions of Changes in the Time It Takes to Administer Comparability Requirements: Title I to Chapter 1[a]

		Percent of District Chapter 1 Officials Reporting That Time Has:				
	Not Changed	Increased	Decreased	Don't Know	Not Ascertained	Total
All Districts	41	8	9	22	20	100%
District Enrollment Categories						
Less Than 1,000	35	2	6	28	19	100%
1,000 - 2,499	40	12	6	25	17	100%
2,500 - 4,999	53	19	12	10	6	100%
5,000 - 9,999	54	14	19	8	5	100%
10,000 - 24,999	57	10	25	5	3	100%
25,000 or more	56	13	22	4	5	100%

N = 1269 (sample of district Chapter 1 officials). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

[a] District officials' reported perceptions of changes occurring between 1981-82 and 1985-86.

Table reads: Among district Chapter 1 officials, 41 percent report that the time it takes to administer comparability requirements has not changed from Title I to Chapter 1.

TABLE A-1

Number of Private School Students Served by Chapter 1 Before and After the Felton Decision

Type of Private School Attended	1984-85	1986-87[a/]	Percent Change 1984-85 to 1986-87
Sectarian (religiously affiliated school students)	176,666	126,143	-29%
Non-sectarian (non-religiously affiliated school students)	4,004	4,474	+12%
Total	180,670	130,617	-28%

N = 664 (sample of public school districts, 1984-85), 616 (1986-87). Table values based on weighted data.

Source: Fast Response Survey System, ECIA Chapter 1 participation of private school students. Preliminary results using data from districts in non-bypassed states (i.e., excludes Missouri and Virginia).

a/ Number reported for the 1986-87 school year includes private students served as of November 1, 1986. Number reported for the 1984-85 school year includes non-public students served throughout the entire school year.

Table reads: In the 1984-85 school year, Chapter 1 programs served an estimated 176,666 private students from sectarian schools. By the 1986-87 school year the number of sectarian school students had declined to 126,143.

TABLE A-2

Percent of Districts Offering Title I/Chapter 1 Services to Students Enrolled in Private Schools: 1981-82 Through 1986-87

School Year	Percent of Districts Offering Title I/Chapter 1 to Private School Students
1981-82	29
1984-85	23
1985-86	19
1986-87	22

N = 417 (sample of districts in 1981-82), 898 (sample in 1984-85), 1363 (sample in 1985-86), 899 (sample in 1986-87). Table values based on weighted data.

Source: District Practices Study, 1981-82, Fast Response Survey System, 1984-85 and 1986-87 and District survey conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Of all Title I/Chapter 1 districts, 29 percent offered Title I services to students enrolled in private schools during 1981-82.

TABLE A-3

Physical Location of Chapter 1 Services for Private School Students Before and After the Felton Decision

Private School Students Served	1984-85 Percent of Districts[a/]	1984-85 Percent of Students[b/]	1986-87 Percent of Districts[a/]	1986-87 Percent of Students[b/]
Inside their own private school	76	90	10	19
Inside another private school	c/	c/	1	1
Inside a public school	23	6	55	22
Inside a mobile van	4	2	19	29
At another site (e.g., a temporary structure, library, community center)	2	1	24	30

N = 663 (sample of public school districts, 1984-85), 594 (1986-87). Table values based on weighted data.

Source: Fast Response Survey System, ECIA Chapter 1 participation on nonpublic school students. Preliminary results using data from districts in non-bypass states (i.e., excludes Missouri and Virginia).

a/ Percents of districts do not sum to 100 because districts were allowed multiple responses. The number of districts offering services for private school students is estimated to be 2,789 in 1984-85 and 2,492 in 1986-87.

b/ Percents of students do not sum to 100 due to rounding.

c/ Less than one percent.

Table reads: In 1984-85, about 76 percent of the districts serving private school students in their Chapter 1 program served these students inside the private school they attended; this resulted in about 90 percent of all private school students being served in this location.

TABLE B-1

Number of Elementary and Secondary Public Schools Eligible for the Schoolwide Project Option Using Various Poverty Criteria

Schoolwide Eligibility Criteria	Number of Chapter 1 Schools Currently at or above Poverty Minimum[a]	Number of Additional Schools Eligible for Schoolwide Project	Percent Increase in Schools Eligible
Minimum school poverty of 75 percent	6,991	---	---
Minimum school poverty of 70 percent	7,791	800	11%
Minimum school poverty of 65 percent	8,560	1,569	22%
Minimum school poverty of 60 percent	10,109	3,118	45%
Minimum school poverty of 55 percent	11,772	4,781	68%
Minimum school poverty of 50 percent	12,279	5,288	76%

N = 514 (sample of public Chapter 1 schools). Table values based on weighted data.

Source: School survey conducted for the Chapter 1 National Assessment, 1985-86.

a/ Based on principals' estimates of percents of their students who were eligible for free or reduced price lunches during the 1985-86 school year.

Table reads: With a 75 percent poverty minimum, 6991 Chapter 1 schools are eligible for the schoolwide project option. If this minimum were dropped to 70 percent, an additional 800 schools would be eligible, increasing the current number by 11 percent.

TABLE C-1

Use of Pullout Setting in Public Elementary Chapter 1 Schools by Grade Level and Subject as Reported by Chapter 1 Teachers/Aides

	Percent of Chapter 1 Teachers/Aides in Public Elementary Schools Using Pullout Settings Within Subjects		
Grade	Reading	Math	Language Arts
K	78	51	44
1	78	68	76
2	87	74	76
3	79	72	60
4	82	79	68
5	82	81	71
6	79	72	70

N = 621 (sample of Chapter 1 teachers and aides in public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Among Chapter 1 teachers in public elementary schools, 78 percent of those responsible for kindergarten reading report they use pullout settings.

TABLE C-2

Comparison of Elementary In-class and Pullout Reading and Math Project Characteristics, from Case Study Data

	Reading		Math	
Characteristic	Minimum	Maximum	Minimum	Maximum
Number of Students in Typical Instructional Group				
In-class	3.0	6.8	1.7	7.2
Pullout	3.1	6.6	1.6	5.1
Percent of Instruction by Lecture/ Recitation				
In-class	16%	94%	41%	44%
Pullout	12%	32%	25%	76%
Number of Hours Per Year				
In-class	52	120	69	72
Pullout	39	123	35	146
Percent of Instruction by Certificated Personnel				
In-class.	0%	30%	5%	27%
Pullout	40%	100%	8%	100%
Percent of Instruction via "Surrogate"				
In-class	0%	11%	0%	17%
Pullout	0%	41%	0%	41%

N = 166 (number of students observed).

Source: A Study of the Whole Day Experiences of Chapter 1 Students, Far West Laboratory for Educational Research and Development. San Francisco, CA: 1986.

Table reads: The number of students in typical instructional groups within in-class reading projects ranged from three to around seven, minimum and maximum values which are fairly similar to the 3.1 and 6.6 values observed for pullout reading projects.

TABLE C-3

Program Design Features of Chapter 1 Pullout
Settings in Public Elementary Schools by Subject

Subject and Feature	Average	Standard Deviation
Reading		
Instructional Group Size	4.3	1.5
Days/Week	4.6	0.4
Minutes/Day	45.1	25.6
Mathematics		
Instructional Group Size	4.8	4.5
Days/Week	4.2	1.0
Minutes/Day	36.4	22.3
Language Arts		
Instructional Group Size	4.6	2.7
Days/Week	4.5	1.0
Minutes/Day	44.0	49.1

N = 621 (sample of Chapter 1 teachers and aides in public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Among Chapter 1 reading teachers, those who use pull-outs report that the average instructional group size is 4 students, that instruction is provided an average of 5 days/week, and that instruction lasts an average of 45 minutes/day. The consistently large standard deviations across subjects for instructional group size and minutes/day of instructional time reflect a great deal of variation in size of group and length of instructional time.

TABLE D-1

Percent of Public Elementary Schools Receiving Compensatory Education (CE) Funding from Chapter 1, State, or Local Sources, 1985-86

Categories of CE Participation	Percent of Elementary Schools[a]
Overall Participation in CE Program	
Chapter 1	76
State Compensatory Education (SCE)	34
Local Remedial Education	31
Single or Multiple Participation in CE Program	
Chapter 1 Only	38
Chapter 1 With Any Other CE	39
Chapter 1 Combined Only With SCE	19
Chapter 1 Combined Only With Local Remedial Education	11
Chapter 1 With Both SCE and Local Remedial Education	9
Participation in Any CE Program	
Either Chapter 1, SCE, or Local Remedial Education	90

N = 688 (sample of public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Percents do not sum to 100 because categories are not mutually exclusive.

Table reads: Chapter 1 funds were received by 76 percent of all elementary schools in 1985-86.

TABLE D-2

Percent of Public Elementary Schools with Different Levels of Poverty Receiving State Compensatory Education (SCE) or Local Remedial Education Funding

	Percent of Elementary Schools with:[a]				
School Poverty Level[b]	Chapter 1 Only	SCE and/or Local Remedial	Chapter 1 with SCE and/or Local Remedial	No CE	Total
Low (0 - 14.9 percent)	21	28	35	15	100%[c]
Medium (15 - 34.9 percent)	35	13	40	12	100%
High (35 - 74.9 percent)	48	7	39	6	100%
Concentrated (75 - 100 percent)	50	9	37	5	100%[c]

N = 688 (sample of public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

[a] Percents are based on the number of schools within each poverty category.

[b] School poverty classifications are based on principals' reports of the percent of students enrolled in their schools who were eligible for free or reduced price lunches during the 1985-86 school year.

[c] Percent does not sum to 100 due to rounding.

Table reads: Of all public elementary schools with low poverty, 21 percent receive only Chapter 1 funding, 28 percent receive SCE and/or Local Remedial funding, 35 percent receive Chapter 1 funds with SCE and/or Local Remedial funding, and 15 percent receive no compensatory education funding.

TABLE D-3

Chapter 1 and Non-Chapter 1 Public Elementary Schools Receiving State Compensatory Education (SCE) Funds and Local Remedial Program Funds

	Categories of Elementary Schools:		
Funding	All Schools	Chapter 1	Non-Chapter 1
Only SCE	22	25	13
Only Local Remedial	19	14	33
SCE and Local Remedial	12	12	12
Neither SCE Nor Local Remedial	47	49	41
	100%	100%	100%a/

N = 688 (sample of public elementary schools). Table values based on weighted data.

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Overall 22 percent of public elementary schools receive only SCE funds. Among Chapter 1 schools, 25 percent receive only SCE funds while among non-Chapter 1 schools, 13 prcent receive only SCE funds.

a/ Percent does not sum to 100 due to rounding.

TABLE E-1

Levels of District Parental Involvement as Reported by Chapter 1 Administrators

	Degree of Parental Involvement				
Type of Involvement	Not Involved	Somewhat Involved	Substantially Involved	Not Answered	Total
Involvement in Child's Education					
Meeting with Chapter 1 Teachers	9	54	36	1	100%
Receiving information about how to assist their Chapter 1 Children	7	51	41	1	100%
Tutoring thejr children at home	14	67	17	2	100%
Involvement in Schools					
Helping teachers	41	45	10	4	100%
Serving as classroom aides	64	25	5	6	100%
Serving as non-classroom aides	67	22	3	8	100%
Involvement in Governance					
Advising on program design	45	47	7	1	100%
Involved in program evaluation	37	47	15	1	100%

N = 1274 (sample of districts). Table values based on weighted data.

Source: Survey of districts conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Of all district Chapter 1 coordinators, 9 percent report that parents are not involved in meeting with Chapter 1 teachers.

TABLE E-2

Changes in District Parent Involvement Title I to Chapter I, as Reported by Chapter I Administrators

Type of Involvement	Type of Change More Involvement During Title I	No Difference	More Involvement During Chapter I	Don't Know	Not Answered	Total
Involvement in program design	24	61	6	5	4	100%
Involvement in program operations (includes assisting with instruction at school and/or at home)	15	71	6	6	2	100%
Involvement in evaluation	15	70	8	5	2	100%

N = 1274 (sample of districts). Table values based on weighted data.

Source: District survey conducted for the Chapter 1 National Assessment, 1985-86.

Table reads: Of all district Chapter 1 coordinators, 24 percent report that there was more parental involvement in program design during Title I than is true during Chapter 1.

TABLE E-3

Parent Involvement in School-Related Activities as Reported by Public Elementary School Principals - Chapter 1 Versus Non-Chapter 1 Schools

	Percent of Public Elementary School Principals Reporting	
Activity	Chapter 1 Schools	Non-Chapter 1 Schools
Meetings of Parent/Teacher Association		
Very involved	22	40
Somewhat involved	60	52
Not involved	6	2
Activity not offered	9	3
Not answered	4	3
	100%a/	100%
Other Informal Parent/Teacher Contacts		
Very involved	32	48
Somewhat involved	63	48
Not involved	1	1
Activity not offered	0	0
Not answered	4	4
	100%	100%a/
Meetings of Parent Advisory Organizations for Special Programs		
Very involved	18	25
Somewhat involved	58	48
Not involved	10	7
Activity not offered	9	17
Not answered	4	3
	100%a/	100%

Table E-3 (continued)

Activity	Percent of Public Elementary School Principals Reporting	
	Chapter 1 Schools	Non-Chapter 1 Schools
Advising on Design of Special Programs		
Very involved	7	9
Somewhat involved	55	50
Not involved	28	20
Activity not offered	7	18
Not answered	4	3
	100%[a]	100%
Volunteers in Classroom		
Very involved	14	43
Somewhat involved	60	43
Not involved	17	7
Activity not offered	5	4
Not answered	4	3
	100%	100%
Volunteers Outside Classroom		
Very involved	16	40
Somewhat involved	58	50
Not involved	14	4
Activity not offered	7	2
Not answered	4	3
	100%[a]	100%
Paid Instructional Aides		
Very involved	10	8
Somewhat involved	28	35
Not involved	27	19
Activity not offered	33	34
Not answered	4	3
	100%[a]	100%[a]

Table E-3 (continued)

Activity	Percent of Public Elementary School Principals Reporting	
	Chapter 1 Schools	Non-Chapter 1 Schools
Fund Raising and Other Support Activities		
Very involved	49	69
Somewhat involved	38	26
Not involved	6	2
Activity not offered	3	1
Not answered	4	3
	100%	100%a/
Helping Students with Schoolwork at Home		
Very involved	14	40
Somewhat involved	76	55
Not involved	4	1
Activity not offered	2	1
Not answered	4	3
	100%	100%

N = 354 (sample of Chapter 1 elementary schools), 334 (sample of non-Chapter 1 elementary schools).

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

a/ Percents do not sum to 100 due to rounding.

Table reads: Of all elementary school principals in Chapter 1 schools, 22 percent report that parents are "very involved" in meetings of the Parent/Teacher Association.

TABLE E-4

Parent Involvement in School-Related Activities, as Reported by Principals in Public Chapter 1 Elementary Schools, by School Poverty Level

Activity	Percent of Public Chapter 1 Elementary School Principals Reporting: All Schools	Low Poverty[a] (0-14.9%)	Moderate Poverty (15-34.9%)	High Poverty (35-74.9%)	Concentrated Poverty (75-100%)
Meetings of Parent/Teacher Association					
Very involved	22	41	16	18	21
Somewhat involved	60	53	66	60	58
Not involved	6	0	6	9	6
Activity not offered	9	6	10	8	12
Not answered	3	0	2	4	3
	100%	100%	100%	100%	100%
Other Informal Parent/Teacher Contacts					
Very involved	32	44	35	27	19
Somewhat involved	63	54	61	65	76
Not involved	1	0	1	2	2
Activity not offered	0	0	0	0	0
Not answered	4	2	3	6	3
	100%	100%	100%	100%	100%
Meetings of Parent Advisory Organizations for Special Programs					
Very involved	18	41	12	13	21
Somewhat involved	58	49	62	55	65
Not involved	10	3	10	16	7
Activity not offered	9	8	13	11	2
Not answered	5	0	3	5	5
	100%	100%[a]	100%	100%	100%

Table E-4 (continued)

Activity	Percent of Public Chapter 1 Elementary School Principals Reporting				
	All Schools	Low Poverty (0-14.9%)	Moderate Poverty (15-34.9%)	High Poverty (35-74.9%)	Concentrated Poverty (75-100%)
Advising on Design of Special Programs					
Very involved	7	14	8	2	9
Somewhat involved	55	58	50	56	50
Not involved	28	23	35	27	29
Activity not offered	7	5	5	9	7
Not answered	3	0	2	6	5
	100%	100%	100%	100%	100%
Volunteers in Classroom					
Very involved	14	22	13	14	10
Somewhat involved	60	61	59	55	65
Not involved	17	12	18	19	18
Activity not offered	5	5	7	6	4
Not answered	4	0	3	6	3
	100%	100%	100%	100%	100%
Volunteers Outside Classroom					
Very involved	16	21	15	15	13
Somewhat involved	58	68	62	57	49
Not involved	14	8	13	12	25
Activity not offered	7	3	7	9	8
Not answered	5	0	3	7	5
	100%	100%	100%	100%	100%
Paid Instructional Aides					
Very involved	10	8	14	6	11
Somewhat involved	28	37	26	24	31
Not involved	27	19	31	28	25
Activity not offered	33	35	26	36	30
Not answered	2	1	3	6	3
	100%	100%	100%	100%	100%

Table E-4 (continued)

Activity	All Schools	Low Poverty (0-14.9%)	Moderate Poverty (15-34.9%)	High Poverty (35-74.9%)	Concentrated Poverty (75-100%)
	Percent of Public Chapter 1 Elementary School Principals Reporting				
Fund Raising and Other Support Activities					
Very involved	49	80	51	37	35
Somewhat involved	38	14	32	49	50
Not involved	6	3	9	6	5
Activity not offered	3	4	2	7	3
Not answered	4	0	6	1	7
	100%	100% b/	100%	100%	100%
Helping Students with Schoolwork at Home					
Very involved	14	18	21	10	2
Somewhat involved	76	75	71	80	85
Not involved	4	6	3	3	10
Not answered	6	1	5	7	3
	100%	100%	100%	100%	100%

N = 60 (sample of Chapter 1 elementary schools in low poverty level, 98 (sample in moderate poverty level), 120 (sample in high poverty level), 92 (sample in concentrated poverty level).

Source: Survey of schools conducted for the Chapter 1 National Assessment, 1985-86.

a/ Based on principals' estimates of percents of their students who were eligible for free or reduced price lunches during the 1985-1986 school year.

b/ Percents do not sum to 100 due to rounding.

Table reads: Of all elementary school principals in Chapter 1 schools, 22 percent report that parents are "very involved" in meeting of the Parent/Teacher Association.

RESPONSES TO QUESTIONS FROM CONGRESSIONAL STAFF

From the Briefing of Staff Members of the
Subcommittee on Elementary, Secondary and Vocational Education
U.S. House of Representatives
March 13, 1987

Prepared by the National Assessment of Chapter 1
Office of Educational Research and Improvement
U.S. Department of Education

1. Clarify the comment in testimony that Chapter 1 provides only 10 to 15 minutes per day of added instruction for each Chapter 1 student.

Oral testimony was inaccurately interpreted to mean that Chapter 1 contributes only 10 to 15 minutes per day of instruction for each Chapter 1 student. The written testimony submitted to the Subcommittee accurately states that, "On average, Chapter 1 instruction at the elementary level is provided five days per week for about 30 minutes per day in mathematics and 35 minutes per day in reading. In secondary schools, Chapter 1 instruction is longer--averaging 45 minutes per day in reading..." (See Table 3.3, Preliminary Findings.)

Because Chapter 1 services are almost always provided during the same school day as non-Chapter 1 activities, Chapter 1 students miss some regular classroom activities while they receive Chapter 1 services. (See Table 3.8, Preliminary Findings.) Most regular teachers of Chapter 1 students report that when Chapter 1 students are receiving Chapter 1 reading instruction, non-Chapter 1 students participate in reading or other basic skills activities. When case study researchers combined data about the time that students miss regular reading or math instruction with data on the time that students received Chapter 1 reading or math instruction, Chapter 1 appeared to increase modestly the total time that students participate in reading or math-related activities. These researchers estimated that Chapter 1 provided an average of 10 to 15 minutes of additional reading or math time on days when students received Chapter 1 services. This estimate was based on case study observations of Chapter 1 students; we are still evaluating its consistency with our survey data. At this point, our data do not yet allow us to state, with confidence, the amount of additional time that Chapter 1 services contribute to a given subject, over and above what would normally occur.

Increased time for instruction is one factor thought to improve achievement. Another is a very small instructional group. Data from the National Assessment indicate that Chapter 1 students receive Chapter 1 instruction in groups that are substantially smaller than their regular classroom groups. The median student-to-staff ratios during reading for elementary Chapter 1 students are 4:1 and 6:1 for middle/secondary students. The median ratios for math instruction are 4:1 in elementary schools and 8:1 in middle/secondary schools. (See Table 3.3, Preliminary Findings.)

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More information about the added instruction provided by Chapter 1 can be found in Section III-A and C and Tables 3.3, 3.4, 3.8, and 3.9 of Preliminary Findings of the National Assessment of Chapter I.

2. What are the reasons that districts use the grade span, grandfathering, and other school and student selection options?

The National Assessment found that districts adhere to the school and student selection requirements of Chapter 1. In selecting schools and students to receive Chapter 1 services, school districts use the discretion permitted under Chapter 1 to tailor the Chapter 1 program to their local circumstances and preferences. Some options, particularly the "uniformly high concentration" option or the "25 percent rule" are useful in allowing districts to serve more schools than would have been possible using the "above the district average" criterion alone. Other options are useful in restricting the number of schools or students receiving Chapter 1 funds. For example, districts often use the grade span option to limit the number of grades served and hence ensure that the schools that receive Chapter 1 funds provide services that "are of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs" of program participants. Still other options, notably the school and student grandfathering provisions, allow districts to ensure continuity of services to schools or students.

While the National Assessment found that districts use the school and student selection provisions as intended, some of these options can increase the percentage of very low achievers that are not served by Chapter 1. For example, the selection of a few grades to be served by Chapter 1 means that low achievers in unserved grades will not be served. Some options also result in the selection of schools with relatively low concentrations of poor students or of higher achieving students. For example, the school and student grandfathering provisions allow districts to select formerly eligible schools that are no longer among the poorest in their district, and students who are no longer among the "most in need". Furthermore, the National Assessment found that other features of the Chapter 1 program, notably its presence in virtually all of the nation's school districts, have a powerful effect on the patterns of poverty and achievement of Chapter 1 schools and students. (See Preliminary Findings, Sections I and II).

The following discussion describes how and why districts use the law's school and student selection options.

Use of School Selection Options

The National Assessment found that about 47 percent of Chapter 1 districts, enrolling about 90 percent of all Chapter 1 students, must make school selection decisions because they have more than one school. In selecting schools, Chapter 1 requires that districts: (1) determine eligible school attendance areas based on their incidence of children from low-income families; (2) generally select schools that are located in areas with the highest incidence of low-income families; and (3) concentrate Chapter 1 funds on projects which "are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs" of program participants.

The current Chapter 1 legal framework includes eight exceptions to these general school selection rules. Ninety-five percent of the districts that must make school selection decisions use one or more of the school selection options, rather than simply selecting all schools above the district's average poverty level for program participation. (See Table 2.1, Preliminary Findings.)

The "grade span option" (Section 556(b)(1)(A)) allows any participating district to group its school attendance areas according to grade spans and to select those schools with an incidence of poverty above that grade span's average, rather than above the district's average poverty level. Data from the targeting study (Wood et al., 1986) indicate that this option is used for two distinct purposes. First, many districts use it to concentrate program resources on their elementary and middle schools. Second, some districts use this option to extend services to one or more of their secondary schools, which may have a poverty incidence below the average for all schools in a district, but above the average poverty level of their secondary schools.

The "uniformly high concentration of poverty" option (Section 556(b)(1)(B)) allows districts to serve all of their schools, or all of their schools in a particular grade span, if there is a similar incidence of poverty among these schools. This option is always used to add schools which would not qualify under the general above-the-district-average criterion for school selection. This option is most useful to districts with a small number of schools, since larger districts rarely have the necessary narrow range of poverty among their schools. The "uniformly high concentration of poverty" option is used frequently even in districts with very low poverty levels. With a broadening of the option under Chapter 1--from a 5 to 10 percent difference across schools--the option is used more frequently now than in 1980, especially in low-poverty districts. (See Preliminary Findings, Section II-B)

One district's use of this option, as documented by the targeting study, is considered illegal by the Education Department. This district followed a two-step school selection procedure, suggested by its state educational agency. First, the district selected all of its elementary schools that had an incidence of poverty above the grade span's average. Then the district qualified the rest of its elementary schools, which fell below the average for this grade span, by applying the "uniformly high concentration option" only to the remaining elementary schools.

Under the "attendance vs. residence" option, (Section 556(d)(3)) a district may provide Chapter 1 services to public school(s) in otherwise ineligible school attendance areas if the proportion of children from low-income families in actual daily attendance is substantially the same as the proportion of such children in an eligible attendance area. Case study data indicate that districts use this exemption in two circumstances: (1) when many economically advantaged students in a school attendance area attend private schools, a substantial proportion of the students who remain enrolled in public schools are from low-income families; and (2) when a district sets up magnet schools or alternative schools. For both circumstances, residence-based calculations do not make sense since the poverty rate in the eligible attendance area is an inaccurate estimate of the poverty rate within the school.

The "25 percent" rule (Section 556(d)(1)) permits a district to extend Chapter 1 services to any school in which 25 percent or more of the students in its attendance area are from low-income families, even if the districtwide average is higher. Survey data indicate that this option is used most often in the nation's highest poverty districts. These districts (i.e., with a districtwide average of 33 percent poverty or higher) were able to more than double the number of schools they were able to serve using this option. About two-thirds of all Chapter 1 elementary and secondary schools can be qualified through this option according to principals' estimates of children eligible for free and reduced-price lunch.

According to the school grandfathering exception (Section 556(d)(4)), a school may continue to be eligible for Chapter 1 services for one year if it was considered eligible in either of the two preceding years and for two years if it was eligible in both preceding years. This option is used much more frequently by large districts than by small districts, but with about the same frequency across districts with different poverty concentrations.

Data from the targeting study indicate that schools selected for Chapter 1 using this option typically have lower levels of poverty than other Chapter 1 schools within their districts. However, most of the schools that were selected using this option had poverty concentrations close to their district's overall average or average grade span poverty, since all of these schools had been eligible without the option within the past two years. According to district respondents, the major advantage of this option is that it provides continuity of services during times of population fluctuations.

The other three school selection options--the "skipping schools" option (Section 556(d)(5)), the "achievement vs. poverty" option (Section 556(d)(2)), and the new "under 1,000 enrollment" exemption (Section 556(1)(c)) -- are not used frequently by districts. (See Table 2.1, Preliminary Findings.)

Use of Student Selection Options

The 1983 Technical Amendments to Chapter 1 reintroduced four exceptions to the general student selection provisions of Chapter 1, which require that Chapter 1 participants be among the most educationally-deprived students attending project schools.

According to case study data, three of these options are used infrequently by districts: the "transferred participants" option (Section 556(d)(7)); the "comparable services" exception (Section 556(d)(8)); and the "schoolwide project" provision (Section 556(d)(9)). The few districts where these options were found to be used in the National Assessment's case studies appeared to comply with statutory specifications. (See Preliminary Findings, Section B, and Question 6 in this package for more information on the use of the schoolwide projects provision.)

The targeting study found widespread use of the other student selection exemption - the "formerly eligible" option (Section 556(d)(6)). Under this exception, children who are no longer in greatest educational need in project schools may continue to receive Chapter 1 services if they were served in any previous year, as long as they continue to be educationally deprived. The targeting study documented some ambiguity about how this provision should be used. Specifically, some districts interpret this option so that former participants receive Chapter 1 services even if their test scores were above their district's own cutoff for Chapter 1 eligibility. This interpretation sometimes resulted in students receiving services whose scores were above the 50th percentile.

This response elaborates upon Section II of the Preliminary Findings of the National Assessment of Chapter 1.

3. Are districts complying with the law in selecting schools and students for the program? Why do 10 percent of Chapter 1 students score above the 50th percentile on national tests?

Two recent studies have examined how districts select their Chapter 1 schools and students -- one conducted by the U.S. General Accounting Office (1987) and one sponsored by the National Chapter 1 Assessment (Wood et al., 1986). Two common themes emerge from these independently conducted studies. First, with few minor exceptions, districts comply with the school and student selection requirements of Chapter 1. Second, school and student selection issues are very complex because of the diversity of approaches districts use to qualify participating schools and students. This complexity can lead to a broad spectrum of students receiving Chapter 1 services.

Data from the National Assessment's targeting study (Wood et al., 1986) illustrate the diverse characteristics of students who receive Chapter 1 services and the intricacies of examining this issue. Across most of the 23 districts in this case study sample, the proportion of students who received Chapter 1 elementary reading services and who scored above the 50th percentile in reading ranged from 0 percent to 15 percent. Overall, about 10 percent of the students receiving Chapter 1 services scored above the 50th percentile in this case study sample.[1] Most of these students scored close to the 50th percentile, although some scored considerably higher.

The targeting study cites five conditions that can interact to result in the participation in Chapter 1 of students whose test scores are above the 50th percentile: (1) very few low achievers in a district or school that receives Chapter 1 funds; (2) unsystematic selection policies; (3) broad interpretation of the "formerly eligible" option in selecting students; (4) the exercise of teacher judgment to adjust for measurement errors of standardized tests; and (5) circumstances or policies which limit the number of students considered eligible for Chapter 1.

In districts where the criterion for selecting students for Chapter 1 is a standardized test score at or near the 50th percentile, any of these conditions is more likely to result in the participation of students whose scores are above this level. Of the 23 districts in the targeting study that used percentile cutoff scores, about one quarter set their scores at the 50th percentile.2

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[1] It should be noted that these numbers represent the case study districts only and may not necessarily reflect national patterns.

A district in the targeting case study illustrates how the first condition, having few low achievers in a district, can result in the participation in Chapter 1 of students scoring above the 50th percentile. This large suburban district has a district-wide poverty incidence of one percent, but because of its size, its number of formula-eligible students generate a sizeable Chapter 1 allocation -- over $110,000 in 1985. This district offers Chapter 1 services in two of its twenty-two elementary schools, but none of its three secondary schools. The average poverty level of its two Chapter 1 schools, about two percent, is above the district's average poverty level, but still quite low. On the other hand, the average achievement level of these two schools (59 percent) is well above the national average (50 percent) but below that of the other elementary schools in this district (65 percent).

In its Chapter 1 program, this district served all 30 of the students in these two elementary schools who scored below its 50th percentile eligibility cutoff for program services. To fill the additional slots still available, the district's Chapter 1 program served an additional 23 students in these two schools. All of these additional students scored above the 50th percentile and some of them scored well above this cutoff, even though these students were among the "neediest" students in these two schools.

While both the targeting study and the GAO investigation indicated that districts comply with the law in selecting program participants, the targeting study did identify four ways some districts or schools select Chapter 1 beneficiaries that contribute to the participation of relatively high achievers. First, several districts in the targeting study sample (7 of 30) either did not have systematic student selection policies for Chapter 1 or had schools which did not uniformly implement the district's student selection policies. Compared to sample districts with more systematic student selection policies or procedures, these seven districts were more likely to serve students in Chapter 1 who scored above the district's

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2 These five conditions also affect whether students score above their districts' own cutoff criterion. In the targeting study's sample, about 16 percent of the students receiving Chapter 1 elementary reading services scored above their districts' own quantitative criteria for eligibility. Most of these students scored just above their district's cutoff score.

eligibility cutoff and not serve some lower-achieving students in any special program.

Second, several districts in the targeting study's sample interpreted the program's "formerly eligible" option broadly. Using this option, these districts qualified students for Chapter 1 who scored above their district's definition of educational deprivation, sometimes set at the 50th percentile. (See response to Question 2 for further details on districts' use of this option.)

Third, both the targeting study and the GAO study found that measurement errors in standardized tests also promote the Chapter 1 participation of students with high scores but legitimate educational needs. Both studies found that professional assessments are often used to overrule invalid test scores, resulting in the participation of some apparently ineligible students who are actually educationally deprived.

Finally, circumstances or policies which reduce the number of low-achieving students eligible for Chapter 1 may increase the number of participating students who score above the 50th percentile. Examples are the use of the grade span option, which limits Chapter 1 eligibility to students in selected grades, and the existence of other special programs, which serve large proportions of low achievers. (See Question 2 for further details about districts' use of the grade span option.) A smaller student eligibility pool can sometimes lead to raised eligibility standards for program participation. As this standard moves closer to the 50th percentile the likelihood increases that some students scoring above this level will also be served if districts lack a systematic student selection policy, interpret broadly the "formerly eligible" option or rely on teacher judgment to overrule invalid standardized test scores.

These more recent case study findings are consistent with earlier nationally representative data from the Sustaining Effects Study and the Title I/Chapter 1 Evaluation Reporting System, which either documented or suggested that some relatively high-achieving students participated in Title I/Chapter 1. The case study data, summarized above, illustrate the variation in district practices and policies and help explain why some higher-achieving students receive Chapter 1 services.

This answer elaborates upon information presented in Preliminary Findings of the National Assessment of Chapter 1, Section II.

4. Are pullout settings more disruptive than other approaches to providing Chapter 1 services?

Evidence collected for the National Assessment of Chapter 1 leads us to conclude that pullout settings for Chapter 1 services are not more disruptive than in-class settings. Both types of settings present challenges to instructors in terms of scheduling, minimizing wasted time, coordinating remedial with basic instruction, and avoiding the stigmatization that low achievers sometimes experience. Whether these problems are overcome successfully depends upon the skills and resourcefulness of instructional personnel, whatever the instructional setting.

Two sources of evidence support the conclusions reported above. In a review of the literature on this topic for the National Assessment, Francis X. Archambault, a professor at the University of Connecticut and expert on Chapter 1 programs, analyzed the research related to pullout approaches for the delivery of instructional services. He found that criticisms of pullouts were equally applicable to in-class arrangements (Archambault, pp. 46-49). He concluded that this aspect of the instructional setting was not directly responsible for student outcomes. According to Archambault, what is important to consider is "what goes on within these settings," e.g., time devoted to instruction, and the relationship between the Chapter 1 instructor and the regular teacher, not the settings themselves (p. 49).

Similar conclusions were reached in case studies of Chapter 1 instructional services in 24 schools conducted by the Far West Laboratory in 1985-86 (Rowan et al., 1986) for the National Assessment:

> On the whole, the cross-site analysis did not suggest that one service delivery model was markedly better or worse than others. In fact, the implementation of any one service delivery model was largely unrelated to other design features of Chapter 1 projects. Moreover.... because of the differences in how the same nominal design was implemented across schools, we saw few systematic advantages of one service delivery model over another. (pp. 9.2)

For additional information, see Preliminary Findings of the National Assessment of Chapter I, Section II and Section V-C.

5. What did the National Assessment find concerning effective approaches for improving coordination between Chapter 1 and the regular program?

According to a research summary commissioned by the National Assessment, the coordinated effort of regular teachers and Chapter 1 teachers can help enhance students' achievement (Allington & Johnston, 1986). Case studies conducted for the National Assessment showed that the degree and types of coordination between Chapter 1 and regular programs vary substantially across schools (Rowan et al., pp. 8, 11; Knapp et al., p. 178). Methods used to foster coordination include: a supervisory relationship between regular teachers and Chapter 1 aides; joint planning time for Chapter 1 and regular teachers; preparation and monitoring of "coordination forms" and "planbooks" that specify student objectives; and use of basal materials that include Chapter 1 supplemental materials (Knapp et al., p. 178).

The National Assessment's case studies also indicated that, in practice, coordination within schools is strongly affected by informal, interpersonal factors (Knapp et al., p. 179; Rowan et al., pp. 8, 11). Program rules and policies can set the context for coordination between Chapter 1 and regular teachers. But informal linkages among teachers are responsible for sustained, meaningful coordination between the two programs.

Breakdowns in these interpersonal communications seemed greatest in districts and schools where the Chapter 1 program constitutes an alternative instructional package, wholly independent of the regular program. In such cases:

> [T]here was usually little communication between Chapter 1 staff and regular classroom teachers. Indeed regular classroom teachers...often knew (or cared) little about what their students did in Chapter 1 settings... (Rowan et al., p. 8.)

Coordination of Chapter 1 and regular programs is enhanced when objectives, testing and curriculum are standardized.

> Generally in response to testing or some other standardization of objectives, the regular curriculum has become more tightly specified and more focused on the achievement of a predetermined sequence of skills--sometimes fairly low-level "minimum competencies." This means that the supplementary program can easily pursue the same skill sequence, and a close relationship to regular instruction becomes virtually automatic. Moreover, when the standardization is driven by a focus

> on test scores, there is pressure to make the student's whole instructional program serve the aim of improving his or her performance on the tests. (Knapp et al., p. 182).

Between the two extremes--Chapter 1 as an alternative program and Chapter 1 as part of the same standardized approach of the regular program--the National Assessment's case studies identified many ways in which Chapter 1 and regular programs could be coordinated with one another.

For more information about the relationship of Chapter 1 and the regular instructional program, see Preliminary Findings of the National Assessment of Chapter 1, Section III-C.

6. How many Chapter 1 schools are there? How many of these schools are eligible for the current Schoolwide Project option? What information do you have about current activities of Chapter 1 schools that exercise the Schoolwide Project option?

About 46,000 elementary and secondary schools offer Chapter 1 services. Using school principals' estimates of the proportion of students eligible for free or reduced-price lunch, about 7,000 schools, or 15 percent, are eligible for the schoolwide project option at the current 75 percent poverty cutoff. Were the cutoff to be changed to 60 percent poverty, about 10,000 schools (22 percent) would be eligible for the schoolwide project option. (See Table B-1 of Preliminary Findings.)

Section 197 of HR 950 lists elements that are desirable in schoolwide projects, taken from "effective schools" research: (1) school level planning, instructional improvement, and staff development; (2) early childhood programs; and (3) leadership and consensus for instructional problem solving, basic and higher order skills emphasis, orderly school environment, high expectations for all children, and continuous assessment of students. The "effective schools" research describes schools in which comprehensive schoolwide approaches are undertaken in which many of these elements are implemented simultaneously.

The National Assessment of Chapter 1 documented activities in schools that use or plan to use the schoolwide project option. Our case study researchers found little evidence of comprehensive schoolwide approaches in schools that were exercising, or planned to exercise, Chapter 1's schoolwide project option. Examples of activities conducted or planned by schoolwide projects in our case studies were (Knapp et al., Chapter 12):

- Establishing a content-based reading program in science and hiring a full-time science teacher for the school. The teacher developed a new curriculum, held in-service training for all teachers in the school, and taught science classes.
- Reducing the student/teacher ratio to 15/1 in an elementary school.
- Establishing a computer lab and hiring an extra pre-K teacher.

- Reducing all class sizes, hiring resource teachers and providing in-service training to regular teachers in the school.

For further information, see _Preliminary Findings from the National Assessment of Chapter I_, Section V-B.

7. Does the supplement-not-supplant provision contribute to Chapter 1 students being pulled out of regular reading classes to receive Chapter 1 reading?

The Chapter 1 supplement-not-supplant provisions are designed to ensure that Chapter 1 students get their fair share of the school district's regular program resources. Their principal impact on Chapter 1 program designs is to restrict services to a limited proportion of a student's instructional day.

However, we found no evidence from our case studies that interpretations of the provision were influencing the types of activities elementary school students miss when they receive Chapter 1 services. Our case study data suggest that decisions about what elementary school Chapter 1 students "miss" when receiving remediation are determined chiefly by pedagogical, staffing, and scheduling concerns (Knapp et al., p. 79, 84). In most instances these decisions result in Chapter 1 students being pulled out for reading remediation while their non-Chapter 1 classmates are engaged in some other reading activity. (See Table 3.8.)

It should also be noted that legal concerns about what regular instruction is missed by Chapter 1 students seems to be one factor in the relative lack of Chapter 1 secondary services and result in more frequent use of replacement models at this level.

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STATEMENT FOR THE RECORD

OF

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VICE PRESIDENT FOR WASHINGTON OPERATIONS

NATIONAL URBAN LEAGUE, INC.

FOR THE
COMMITTEE ON EDUCATION AND LABOR

ON THE
REAUTHORIZATION OF CHAPTER ONE

MARCH 16, 1987

Mr. Chairman and members of the committee we are pleased to present testimony on an issue of critical concern to the nation and the National Urban League (NUL), the relationship between the ineffectiveness of the education system for Blacks, minorities, and the poor and the need for compensatory education.

Education is one of the top priorities of the National Urban League thus we are well aware of the need for reauthorization of Chapter One which focuses federal monies on compensatory education efforts for educationally disadvantaged poor children. Our National President, John Jacob, has indicated the following:

> Given the higher education and skills levels demanded by our changing economy, the National Urban League is convinced that the future economic survival of Black Americans is directly dependent on improving the schooling our children get today.1/

Black and poor students are major consumers of education and, if demographic projections are correct, they will form an even greater percentage of the public school's constituency in the future.2/ Education has been and will remain a major tool for the economic empowerment of Blacks and other minorities. Thus the reauthorization of Chapter One Compensatory education Bill is of vital and critical importance to the NUL.

The NUL was founded in 1910 as a non-profit community service organization committed to securing full and equal opportunities for minority groups and the poor.

There are currently 111 Urban League Affiliate (including the District of Columbia) located in 34 states.Over one million persons are served every year by the Urban League movement through its comprehensive array of services, programs and projects that address such needs as education, adolescent pregnancy, health, housing, employment training and crime prevention.

THE NATIONAL URBAN LEAGUE'S EDUCATION HISTORY

During its more than 77 years of service, the National Urban League has been aware of the pivotal role of education in the economic and social progress of Black Americans.

In the 1950's the NUL encouraged young Black students to pursue math and science courses in order that they be trained for scientific and technical fields. This was done under the umbrella of the NUL's Tommorrow's Scientists and Technicians Program.

In the 1960's, the NUL Street Academies Programs were based on the view that all students were educable.[3/] The view of the Street Academies were that Black, poor and minority students whether underachievers, educationally-deprived, drop-outs or push outs, they were ultimately retrievable. The main goal was to establish effective education programs that would facilitate the acquiring of coping abilities, knowledge, and competencies required to successfully live as productive citizens.

Thus the Street Academies assisted many high school dropouts in obtaining diplomas and in preparation for college.

Quality desegregation plans, cultural enrichment programs, multi-cultural curriculums, vocational education, and other educational areas were focused on in the 70s by the League. The main education focus currently of the NUL is its Educational Initiative.

The NUL learned that there was a special need for an Educational Initiative because despite the widespread concern about schools and the implementation of various educational reforms, the needs of too many Black children were largely ignored.

As part of the Educational Initiative, each of the affiliate's programs are designed to improve educational achievement among Black public shool students by mobilizing parents and community persons to become involved in the education process.[4/]

INEFFECTIVENESS OF THE EDUCATION SYSTEM

The National Urban League constituency is comprised primarly of Black, poor and other minority children, youth and adults. An extensive majority of this group are economically depressed.

Barriers To Student Development

Each year there is a new group of Black, poor and minority children and youth entering our schools from parents and families beset with problems of housing, employment, safety, health and recreation. Plus, these problems are clouded for Blacks by racial discrimination.

The foundation for basic reading and math skills is provided in the elementary schools. The elementary school experience determines the future level of success in higher grades. If a good foundation has not been achieved in elementary school by students, they will have difficulty making up past deficiencies in junior high and high school.

The American education system is failing to provide sufficient education for these children and youth. Black, poor and minority children graduate or dropout lacking the ability to read, write or compute adequately to obtain or sustain employment In our large urban centers, where the majority of students reside, poor children's, dropout rates often exceed 40 percent.[5/]

The National Coalition of Advocates for Students in their book, "Barriers to Excellence: Our Children At Risk," have stated some of the following specific characteristics of public schools which are seen as barriers to student development and potential contributors to school dropouts: overcrowded classes and insufficient individualized attention for students; abuse of tracking and ability grouping; misuses of testing; narrow curricula and teaching practices which discourage active participation in learning on the part of students; vocational education programs which fail to reinforce academic courses or problem solving, reasoning or analytic skills; a lack of support services such as counseling for students and a lack of support for parent involvement in decision-making.

Black and minority children and youth also are disproportionately more likely to be enrolled in special education programs and less likely to be enrolled in gifted and talented programs than white students. They are tracked at an early age and by high school they are underrepresented in academic programs leading to college admittance. They are over represented in vocational education programs which funnels them toward low status occupations.[6/]

The NUL has put in place its own Education Initiative to impact and enhance equity in education and excellence in achievement of Black, poor and other minority students.

The League sees a critical need to improve education for Black, poor and other minority students; for if the "rising tide of mediocrity" is a threat to the general student population its disproportionately devastating impact on our constitutents can be indisputably documented.[7/] If the nation is at risk, as the Nationl Commission's Report proposes, Black, poor and other minority students are under siege, and their very survival is threatened.

The education reform reports have called for higher standards, more demanding course content, stricter graduation requirements, longer school days and a general back to basics trend. Yet they have not provided for additional assistance to Black, minority and poor students. These students who are traditionally underserved by the education sytem will not benefit from those changes provided by education reformers.

Need for Parent and Community Involvement

There is a need also for more meaningful and productive parent and community involvement in the educational process of Black, minority and poor children, to assist decision making, to plan for and to ensure equity.[8/] Strategies are needed to include them within the educational process. Parent involvement is instrumental in keeping students in school and in increasing achievement among students.[9/]

Demographic Data

Demographic data from Ian McNett's 1983 Demographic Imperatives: Implications for Educational Policy state that minorities constitute the majority of school enrollments in twenty-three of twenty-five of the nation's largest cities. By the year 2,000, fifty-three major cities will have a majority minority population yet Black and Hispanic participation in education diminishes drastically at higher levels. Serious erosion has occurred in the rates of Blacks and Hispanics high school graduates who go on to college. Eighty percent of all Black Ph.D.'s are in education and the social sciences. Recent emphasis on science and technology may increase minority underrepresentation in high income, high prestige jobs.

McNett also indicates that personal and national self-interest necessitates that the majority population address the needs of the minorities. America must be aware that the retirement income of people at work today as well as the future economy and military depends on the minority youth who are in school now.

A Remedy

There are no easy or inexpensive ways to educational excellence. The same significant investment is needed for the education of Black, minority and poor children as there has been made for non-poor children.

Some Black, minority and poor children need assistance throughout their schooling or intermittently from pre-school through high school in order to compete successfully with more advantaged students.

Disadvantaged children or "children at risk" should not be shuttled into special education programs. These children should be placed in the main stream of teaching and learning and given access to higher standards of academic performance by removing barriers that schools have placed in the way of student learning.[10/] We must be aware also that these children need additional help to achieve the levels of learning of which they are capable. Thus there is a definite need for compensatory education programming. As indicated previously, there is a need for more parent involvement and more involvement of the minority communities in the education of its children.

CONTINUING NEED FOR CHAPTER ONE

Congress has supported since the mid 1960's extensive funded education programs designed to improve the academic performance of traditionally low-achieving children such as those from minority groups and/or from economically depressed areas.

Title One of the Elementary and Secondary Education Act of 1965, (reenacted in 1981 as Chapter One of the Education Consolidation and Improvement Act) established a national program of compensatory education for children residing in areas identified as economically and educationally disadvantaged.

The National Urban League advocates for a strong federal role in education. Advancing equal educational opportunity is a critical federal role. In the funding of Chapter One Compensatory Education legislation, the federal government is fullfilling this role. The role is fullfilled by making available funds targeted to student populations evidencing specific educational needs, namely, being poor and educationally disadvantaged.

Poverty's Impact

Poverty is a critical impediment to minority youth educational achievement and transition from school to work. Youth in poverty live in low income neighborhoods and attend schools that are usually of poor quality within their neighborhoods. Research has shown that the concentration of poor children attending the child's school and the length of time a child spends in poverty are strongly related to educational outcomes.[11/] Students are increasingly likely to fall behind grade levels as their families experienced longer periods of poverty. Plus achievement scores of all students, not just poor students fell as the proportion of poor students in a school increases.[12/]

This is of particular concern to the National Urban League becasue 46.2 percent of children below the poverty line are Black.[13] Persistently poor children are overwhelmingly Black, live in female-headed households, and live in southern or rural areas.[14] Ninety percent of persistently poor children are Black.[15]

Only 42.6 percent of Black and 52.8 percent of white youth eighteen to twenty-one year old from families in poverty in 1983 had earned high school diplomas.

Evidence From Compensatory Education Research

There is strong evidence that federal education programs make a difference for low-income and minority students. The National Assessment of Educational Progress reports that younger Black students made steady gains in reading achievement during the 1970s'. The gap between Black and white test scores was narrowed by 40 percent.[16]

The "Sustaining Effects Study", by the U.S. Department of Education confirmed that children who receive compensatory education services subsequently had higher reading and mathematic scores similar to children who were not in need of this type program.

Research on compensatory education has indicated that test scores for children in reading has improved most.[17] This improvement has been most pronounced in minority children in disadvantaged or poor urban areas, in rural areas, and areas in the south-eastern part of the United States.

Many supporters of compensatory education argue that although intial gains in intellectual performances as measured by I.Q. are often lost, gains in academic achievement and other important variables render the programs worth while.[18]

Early compensatory preschool programs for poor, primarily Black children, indicate improved intellectual performance during early childhood and improved academic achievement during elementary school, but also lower rates of grade repetitions, special education placements, and delinquency.[19] These children also achieved higher rates of graduation from high school and higher employment rates.

Increased Need

Thus we know compensatory education is effective but our view is that it needs to work even better. It needs increased financial support. Increased appropriations are needed because resources thus far have not been sufficient to make a substantial difference in the educational achievement of disadvantaged students.[20]

The disadvantaged student population is growing at a faster rate than the rest of the population and there has been an increase in children in poverty.[21/]

The number of poor school-aged children rose by 2 million since 1979, federal compensatory education services though fell.[22/] Five hundred fifty thousand fewer students were served in 1984 under Chapter One than under the 1979 Title One (as it was called then) program. Thus compensatory education programs reached only 52 students for every 100 poor school-aged children in 1984. While in comparison compensatory education in 1979 reached 75 per 100 of such children.

These statistics point out the imminent and critical need for continuing compensatory education for Blacks, other minorities and the poor.

RECOMMENDATIONS FOR THE REAUTHORIZATION OF CHAPTER ONE

The National Urban League supports the position paper on Chapter One which you have recieved from Child Advocacy Groups. A copy is included in appendix A. That statement reflects the beliefs of the National Urban League as well as the other organizations which participated in its development.

The National Urban League's view is that the education of our children is too important to leave entirely to others. Organizations in the Black community must assume a leadership role in the struggle for educational equity and the improvement of academic achievement for Black, poor and minority students.

Thus the NUL has stepped forward now in the education arena as it has done historically. We are urging the reauthorization of Chapter One with the recommendations of the Child Adovacy Group position paper included.

The following two components of the Child Adocacy Group's position paper which are of particularly high priority to the National Urban League will be focused on: (1) Program Quality, and (2) Parent Involvement.

A major focus of reauthorization must be improvement of the quality of Chapter One Programs. A program that meets all standards for supplement/not supplant and comparability but which fails to overcome educational deficits is not a successful Chapter One Program.

The basic Chapter One law continues to be the framework for the League's proposal for program quality. Each local education agency as a part of its Chapter One application should develop a plan for program quality which indicates clearly how it proposes to overcome the education deficiencies of the children served in order that they may achieve mainstream success. *All aspects of the local Chapter One Program should be tightly connected to local educational goals that include the skills and knowledge that the school community, including parents, believe that all children should master*.

The local goals for Chapter One must be mastery of the same skills and knowledge expected of all children at their particular grade in the school system. Chapter One should not be a program which tracks students toward unequal education achievement or establishes and then ratifies lesser expectations for educationally disadvantaged children.

Stating the Chapter One goals in terms of the skills and knowledge which the school community (including parents) believes all students should master, will then provide a framework for a plan (developed with, and communicated to, staff and parents) in which all aspects of the local program are carefully tied to achieving those goals and the following:

1) assessment of students in relation to the goals:
2) selection of strategies most likely to achieve the goals;

3) allocation of resources (staff, materials, staff training, including training around student expectations, etc.) and responsibility sufficient to carry out those strategies;

4) evaluation of achievement of the specific goals and steps to modify the program to better achieve them.

Programs succeed when uniformly high expectations are clearly articulated and communicated to all involved, adopted by those involved so that everyone believes they are achievable, and supported too be strategies and regular evaluation designed to see that they are being achieved.

The design of educational strategies to achieve goals should include examination of the Chapter One student's regular program, both to maximize intergration and to modify those aspects of their regular program which may be frustrating achievement of the goals. It should include examination of which practices are helping or hindering achievement of the goals, particularly including student grouping practices within the students regular program and Chapter One grouping.

Grouping, phasing, or tracking--classify and separate students for different educational treatments. The extent and type of separation may be different in different schools and among children at different ages. However, all grouping, phasing and tracking systems create classifications that determine both the quanitity and the type of education students receive.

The assessment program should identify the students having most difficulty and their specific strengths and weaknesses, in terms of mastering the mainstream goals and skills expected of all students for purposes of students selection, design of strategies, and measurement of progress.

Student assessment results should be used to develop student plans for those students who after one year are having difficulty mastering the program goals.

All aspects of the federal and state role should then be focused specifically on implementation of the local quality provisions. This includes approval of application, technical assistance, monitoring and enforcement, evaluation, and incentives.

Parent Involvement

The National Urban League has indicated that Black parents are essential to the leadership process in the education of their children. The mobilization of parents to impact on the education of their children is one of the important components of the League's current Education Initiative.

Parents are the first and primary educators of their children. Federal education policy should be designed to strengthen the family as a learning unit.

There is strong evidence that when parents are involved their children do better in school and their schools do better. It is the right of parents to be involved in education, to be involved in decisions that affect their children, and to monitor the quality of programs serving their children. Educators should recognize their obligation to encourage parent participation in all aspects of the educational process, from helping their children to learn to being involved in the planning, implementation and evaluation of programs.

There is strong evidence that unless there is a clear mandate and a specific enforceable process, parent involvment programs are not effective. Both parents and educators must know what is expected of them and what the rules are.

The Chapter One law should establish the basic elements of an effective organized parent involvement program, while at the same time allowing parents and school officials to decide on the specific forms that this involvement should take in their own community. The law should also specify clear and appropriate roles for the state and federal government to play in ensuring effective parent involvement.

The objectives of Parent Involvement should be the following:

1) To provide a comprehensive range of opportunities for parents to become involved in their children's education from working with their children at home, to helping in the classroom, to become co-learners with students and teachers, to involvement in basic decisions about how the programs should be designed and run;

2) To provide program funds for training parents and teachers on how to build a strong partnership between home and school;

3) To require use of state and local Chapter One administrative funds for outreach, training, and education, and support of parent involvement activity;

4) To expand the responsibility of State Educ. Agencies to provide technical assistance to local districts in developing comprehensive parent involvement strategies, and to monitor and evaluate local efforts;

5) To recognize, reward, document and then disseminate model parent involvement;

6) To utilize special efforts to involve "hard to reach" parents in their children's education including limited-English proficient Parents.

CONCLUSION

The ineffectiveness of the educational system for Blacks, other minorities and the poor led to the League's current Edcuational Initiative. There are resources available at the federal, local, and community levels to make our schools more effective. The Compensatory Education Bill, Chapter One, is a step in the right direction toward making our educational system more effective for Blacks, minorities, and the poor.

The National Urban League calls for national leadership, commitment and bipartisan political will to make our education system more effective for Blacks, minorities, and the poor. The National Urban League looks forward to working with Congress in a bipartisan effort to provide compensatory education legislation to educationally disadvantaged and poor children and youth. Let us begin immediately to pass a compensatory education bill which will make a difference for those most in need.

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14. Children In Poverty, Washington, D.C.: Congress of the U.S., Congressional Budget Office (ERIC Document Reproduction Service No. 263-292), p.77.

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17. *Chairman's Report on Children In America A Strategy for the 100th Congress Vol. I.,* Committee on Education and Labor, House of Representatives (Washington, D.C., U.S. Government Printing Office, Oct., 1986) pp. 1-93.

18. Murphy, Donna M., "Educational Disadvantage: Associated Factors, Current Interventions, and Implications", *The Journal of Negro Education*, 55, No. 4(1986), pp. 495-507.

19. Ibid.

20. Child Advocacy Groups,*Position Paper on Reauthorization of Chapter One of the Education Consolidation and Improvement Act,* (Washington, D.C.: Center For Law and Education, Feb. 1987), pp.1-17.

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22. *Children's Defense Budget, 1987*, loc. cit.

National Governors' Association

Bill Clinton
Governor of Arkansas
Chairman

Raymond C. Scheppach
Executive Director

April 2, 1987

The Honorable Augustus F. Hawkins
Chairman
Committee on Education and Labor
United States House of Representatives
2371 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Hawkins:

I am writing you with the views of the nation's Governors on elementary and secondary education, generally, and, more specifically, on reauthorization of Chapter 1 of the Education Consolidation and Improvement Act. I am writing in a number of capacities -- as Chairman of the Education Subcommittee of the National Governors' Association, as a Governor who has fought long and hard for better schools for disadvantaged children, as a former school teacher, as a concerned citizen, and as a parent.

The nation's Governors believe that education is the single most important enterprise for which they are responsible. It is significant, not only in the immediate sense that it consumes much of our fiscal resources and much of our time, energy and effort, but for the promise which a strong public education system offers for the future. Good schools and good teachers can help prepare children for a lifetime of productive and prosperous work, a lifetime of intelligent and educated participation in the debates of our democracy, and a lifetime of deep and enriched appreciation of our history, literature, and culture. Working to strengthen today's schools allows all of us to reach into the future to mold a strong, vibrant and competitive America.

Believing as deeply as we do about the importance of American education, the nation's Governors have come to the conclusion that "more of the same is not enough." Schools which fail to educate large portions of their students must change. Teachers must successfully instruct their students. And students, who are drifting in failure, must learn. Our responsibility to the broader community, and particularly to the most disadvantaged and vulnerable of our children, permits no less.

Change to any large enterprise does not come easily -- nor, indeed, willingly. In New Jersey, many told me, for example, that it was unfair to urban minority students to raise graduation standards. But I stood with those youngsters, raised the standards, and provided $50 million more in state dollars to give extra help to those who needed it -- and they are rising to the mark. We made teacher training and licensing tougher -- and now we're getting teachers worth the higher salaries we offer. Next month, I will meet over 2,000 teachers selected locally for the Governor's Award for Outstanding Teaching. We monitor school performance against high standards. When schools perform well, we stay out of their way. For those that don't we offer help, and ask what they intend to do to correct their problems. In order to be ready for a handful of districts that may fail their responsibilities to the children, I have asked the New Jersey Legislature for the authority to take direct action.

Governors are committed to education reform. Over the last six years the legislatures have invested huge sums -- an increase of over 27 billion dollars in the last six years. And we will persist.

I realize, of course, that the states are not acting alone to improve the quality of education for disadvantaged children. The earliest leadership in this area came from the Congress, with the enactment of Title I, the first compensatory education program, in 1965. For this historic federal leadership, the education community continues to be grateful. The changes that the Congress prompted in education were far-reaching. We, as Governors, seek only to work with you in continuing and furthering the original Congressional intent of improving the quality of education for the nation's disadvantaged students.

In preparation for this ongoing reauthorization debate, the Congress again displayed leadership by mandating a national study of the Chapter 1 program. The findings of this study:

- that the longer children spend in poverty, the more likely they are to fall behind grade level;
- that the achievement scores of all students -- not just poor students -- decline as the proportion of poor students in a school increases; and,
- that the majority of low-achieving elementary students are not receiving Chapter 1 services, while some students who received program services had above average reading skills,

are compelling, and speak for significant program change.

Based on the findings from this congressional study, and based on our experience in promoting school reform and improving the quality of education for the disadvantaged, the Governors have developed a set of principles which we believe should be considered as your Committee renews your vital commitment to American elementary and secondary education:

1. Respect the state's responsibility to set high standards and follow through. Governors have set high standards of student performance. Over time, we will raise them. We want to give state and local education authorities substantial discretion in designing programs to help all students meet those standards, and we intend to watch the results. Federal funds are limited and should support this approach.

2. Support the state focus on schools. Research justifies the state concentration on school-wide improvements. Encourage states, schools, and districts to coordinate and integrate federal program funds to support reasonable school-wide strategies. Encourage our efforts to redefine the organization of the school for better

performance. Let us use federal funds to back reasonable experimentation on the part of the schools and districts and enforce accountability, including clear penalties in cases of a sustained pattern of failure to improve student achievement.

3. Help us concentrate on schools with the greatest need. Governors recognize that long-term poverty and low education achievement are linked, and we want to act. In schools with high proportions of students from poor families, everyone is likely to achieve less. Large proportions of poor and low achieving students do not receive any federal education support. Let us concentrate federal funds on the education of these children.

4. Help us reward performance. Governors want to provide incentives to schools and districts that increase student achievement. Provide federal funds for this purpose too, and don't penalize high performing schools by immediate withdrawal of federal funds.

5. Let parents be teachers, too. Governors recognize that there are things that parents can do -- indeed, must do -- for children to reach their potential. They include reading to the children, limiting television, and insisting on homework. Let federal funds be used to encourage and enable parents to support the work of the school. Let federal funds encourage collaboration with other agencies that can also support that work.

6. Strengthen the federal commitment to research, and information collection and dissemination. The federal government is unique in the collection and dissemination of education statistics and indications of student achievement. That role needs to be strengthened in cooperation with the states.

7. Enhance the use of new technologies in the classroom. The federal government should coordinate its own efforts across departmental lines in supporting more research and demonstrations in the use of technologies and should share this information with the states.

In some ways H.R. 950, as introduced, reflects these principles. I note in particular the concentration grant program to direct more funds to schools enrolling high concentrations of poor children and the new emphasis on encouraging the parents' involvement in their child's education. I commend you for your steps in this direction, and I would encourage you to move even further in the direction of program reform and innovation, by including concepts such as state, local, and school goals and standards for program performance, program accountability, and a general focus on the quality of the services provided.

I am struck by the emerging consensus between the Governors, state superintendents, educators, parents, and child advocacy groups regarding our nation's schools and preparation for the future. The consensus is emerging that we must concentrate our resources and attention on the most vulnerable group of students in society. For in many ways, the resources available to them outside of the schools are minimal.

The themes of change and reform are bold and, indeed, threatening to some. Yet in renewed partnership between the federal, state, local, school and classroom authorities, we can fulfill the promise and potential of opportunity for all. We, the Governors, are willing to join the Congress in this risk-taking venture.

Sincerely,

Tom H Kean

Governor Thomas H. Kean
Chairman
Subcommittee on Education

APJ

Testimony Submitted by
James W. Skillen, Executive Director
Association for Public Justice

to the
Subcommittee on Elementary, Secondary, and Vocational Education
of the
Committee on Education and Labor
of the
U.S. House of Representatives

on
H.R. 950
The Special Educational Needs Act of 1987

March 17, 1987

ASSOCIATION FOR PUBLIC JUSTICE
806 15th STREET, N.W., SUITE 218
WASHINGTON, D.C. 20005
(202) 737-2110

Mr. Chairman and members of the Committee, the Association for Public Justice is a national citizens organization concerned with equity and fairness in every area of government legislation. From the time we were organized in 1977, we have given special attention on numerous occasions to issues of education--one of the most important arenas of public life that shapes the present and future prospects of all citizens. On behalf of the members of our Association, I wish to offer several comments on H.R. 950 which will eventually have a place in the reauthorization of a wider range of education legislation this year.

The very fact that the federal government has sustained a program for more than twenty years aimed at assisting children with special educational needs is evidence of a concern for justice. Government at all levels should persistently look to those suffering discrimination or in danger of suffering discrimination due to no fault of their own. The fact that both you and the Administration are now proposing to target those programs more effectively in order to meet the needs of a greater number of educationally deprived and low-income children is a further healthy sign of response to the principle of fairness. We commend you for this effort.

We also encourage you to move ahead with plans for tightening up the reporting, evaluation, and accountability procedures in order to make the program even more effective at the local level. Not only is this essential for the just treatment of needy children, but it is mandatory for the just treatment of citizens whose tax dollars are being used for these programs.

The fact that new research is now available indicating what makes for successful education of disadvantaged students means that your Committee should shape legislation with increasing precision toward the goal of educating these students for a life of opportunity and service in the mainstream of our society. If it is true, as this research indicates, that the schools which most successfully educate these students share the characteristics of strongly committed teachers who have high expectations of their students; strong administrative leadership; an orderly school environment; parental involvement beyond the ordinary; and a good track record with educational basics, then it is incumbent on legislators to shape laws which encourage and give maximum room for these to emerge. At the same time, fair and equitable legislation should allow no room for the systematic and continuing negation of these characteristics.

One aspect of equity which has been recognized by Chapter 1 legislation going back to its origin, and continuing in H.R. 950, is funding for all eligible students, including those whose parents select non-government schools for their children. This is equitable not only because federal government programs should deal fairly with all citizens, but also because it falls in line with the recognition that parents are the most important factors in the educational maturation of their children. If some parents with a low income and educationally needy children choose to send their children to a non-government school, they must have good reasons for doing so. Parental conscience in this regard, whether for religious or other reasons, simply must be acknowledged for the sake of equity and fairness. If, as the research shows, and as your bill recognizes, parental involvement is crucial, particularly in the education of students with special needs, then justice demands that legislation should fall on the side of parental responsibility and judgment rather than get in the way of it.

We wish, therefore, to underline strongly your intention to ensure that expenditures for services to eligible children in private schools are equitable and proportionate to those for other students. However, in view of the Supreme Court's Aguilar v. Felton decision, which your bill takes into account, we question the adequacy of your legislative response. Why spend $30 million for equipment, mobile units, and other infrastructural materials in order to take public school services to private school students who already have rooms and equipment available to them? You could allow that money to be spent more directly on educational services by allowing parents to choose the school in which they want their children to receive the supplemental and compensatory services. This is the fair and just way to meet Aguilar v. Felton while also reinforcing parental involvement and equitably aiding private school children who are eligible for the program.

We are disappointed as well with the Administration's proposal for allowing LEAs to issue Compensatory Education Certificates (CECs) in trying to address this problem. The Administration supposedly wants to aid parental choice by means of CECs, yet its first step takes it in the opposite direction when it proposes that parents should have no such choice unless the LEAs grant it to them. Neither educational concerns nor First Amendment strictures will be met until justice is done to the real choices of parents regarding the education of their children.

H.R. 950 should be strengthened in the direction of fairness and equity by dropping the LEA-controlled, mobile-unit approach to serving private school students and instituting something like the "parental grants" proposed by the U.S. Catholic Conference, or the Chapter 1 vouchers called for in Rep. Paul Henry's CHOICE bill that was introduced in the last session of Congress. If H.R. 950 is amended in this way, then you will provide a service which is much more fair and equitable than anything contained before in Chapter 1.

Thank you for the opportunity to present this testimony for the record. We look forward to seeing the final outcome of these legisative proceedings and stand ready to assist in any way that we can.

* * * * *

STATEMENT ON CHAPTER 1, EDUCATION CONSOLIDATION AND IMPROVEMENT ACT
P.L. 89-313

Prepared by
The Conference on Educational Administrators
Serving the Deaf, Inc.

for the
Committee on Education and Labor
Subcommittee on Elementary, Secondary,
and Vocational Education

U.S. House of Representatives

March 27, 1987

Mr. Chairman, distinguished Members of the Subcommittee, the Conference of Educational Administrators Serving the Deaf, Inc. (CEASD) is pleased to present the following statement in support of Chapter 1 of the Education Consolidation and Improvement Act (ECIA) which includes authority for the program commonly called PL 89-313 which provides federal assistance to states to help with the education of children with disabilities in state-operated schools or programs or in programs supported by the state through contract.

The Conference of Educational Administrators Serving the Deaf, Inc. was founded in 1869, and is an organization of schools and programs providing educational services to deaf persons. Among its member organizations are nearly all of the state-operated programs across the United States as well as a good representation of local program models of various types. The state-operated schools are representative of the members who are most likely to be recipients of Chapter 1 (Education Consolidation and Improvement Act, 1981) funds. It is in reference to those funds and on behalf of those programs receiving such funds that this position statement has been developed.

It is the responsibility of the 100th Congress to act on legislation to reauthorize Chapter 1 of the ECIA. During the course of Congressional subcommittee and committee hearings, it is known that a variety of positions will be proposed by various organizations. The CEASD would like to urge that the provisions of PL 89-313 remain intact with their own separate funding, and that no major changes be made in this important program.

In addition to state funding, handicapped children receive various supplemental and primary funding from two essential federal sources; PL 89-313 and PL 94-142, Education of the Handicapped Act (EHA). The majority of CEASD member schools receive little or no funds from PL 94-142. This comes about as a result of the organizational structure of most state schools in individual states. They are simply not eligible under the state and federal guidelines to receive EHA funds, unless such funds come from the discretionary portion of a state's allotment. This has never been problematical as long as PL 89-313 funds were available for distribution to residential programs. These funds typically form a strong foundation of service to handicapped children by state-operated programs. They have allowed for important services to be established and operated in such diverse areas as parent education and outreach, services to multihandicapped children, assistance in providing assistive devices and computer-assisted instruction, improving the quality of related services and funding for various types of inservice training.

Chapter 1 recipients generally serve handicapped students with greater needs. This comes about as a natural consequence of the Individual Educational Program (IEP) process and the assessment of Least Restrictive Environment (LRE). These youngsters are more likely to require more extensive and more expensive related services. As a result, the need for funding from all sources, including Chapter 1, should be, if anything, increased. At least one proposal by the United States Department of Education would suggest decreasing the federal funding of PL 89-313 and gradually assume the funding within the framework of PL 94-142. We would urge that this position not be taken as the proposal only speculates that by the year 1992 the per pupil expenditures under PL 94-142 would equal or exceed those under PL 89-313. This is insufficient. Schools receiving Chapter 1 funds need greater assurance than that offered in a speculative proposal.

The CEASD and its member schools have generally been satisfied with the ECIA Chapter 1 program, and wishes to acknowledge its positive impact on the education of the deaf, and urge its continuation in a basically unchanged configuration.

NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS

April 21, 1987

Hon. Augustus Hawkins, Chairman
Committee on Education and Labor
US House of Representatives
Washington DC 20515

Dear Chairman Hawkins:

The National Association of School Psychologists (NASP) is pleased to comment on H.R.5, the School Improvement Act of 1987; H.R.950, the Special Educational Needs Act of 1987; and related bills currently before your Committee. We ask that these comments be made part of the hearing record.

The Association supports the multi-year re-authorization approach of H.R.5 for Chapter 1 and Chapter 2 programs in the Education Consolidation and Improvement Act, Bilingual Education Act, and other programs.

We especially commend several of your initiatives in H.R.950, including the expanded funding for concentration grants, secondary-school grants, dropout prevention, and "even start." We are pleased that parents would have a greater voice in program design as well as increased parental training and adult education opportunities.

School psychology and other pupil services professions are identified in Sec. 197 of H.R.950 as personnel who can be used in providing services to students. School psychologists and other pupil personnel staff can provide assessment, diagnosis, counseling, educational and case management services to children so that students can obtain greater benefit from their academic programs. We are pleased to be recognized to provide services to this population of school children and youth.

This legislation will be particularly welcome to school systems that have a "concentration" of disadvantaged children where future increases in Chapter 1 funds will be targeted. These are the local education agencies which are most likely to need the federal base of support since their local tax sources are likely to be inadequate to support essential compensatory programs.

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Our sincere thanks to you and your staff, particularly the Elementary, Secondary, and Vocational Education Subcommittee staff, for your timely and creative attention to the needs of the children whom we all serve.

You will also find enclosed our list of Legislative Priorities, which provides brief summaries of our positions on issues relative to legislation and regulations in your Committee's general interest areas. If the Association can be helpful in providing information to you about such issues, please contact our Executive Director, Jack Donahue, at the address below.

Sincerely,

Nadine Block

Nadine Block
Co-Chair
Governmental Relations Committee

Kevin Dwyer
Co-Chair
Governmental Relations Committee

NB:KD:re
Enclosure
693/610

NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS

LEGISLATIVE PRIORITIES

Approved by the NASP Delegate Assembly, March 1987

THE NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS WILL SUPPORT LEGISLATION AND REGULATIONS WHICH WILL:

PROVIDE FOR FULL FUNDING OF EDUCATION AND RELATED SERVICES

The education of our nation's children must remain a federal budget priority. The federal government must be encouraged to move toward the funding level envisioned in PL94-142. State government and local districts cannot continue to carry the present proportion of heavy costs for educating handicapped children. NASP will actively support full funding of education and related services and will oppose cuts to education and related services.

PROMOTE A FULL RANGE OF SCHOOL PSYCHOLOGICAL SERVICES FOR ALL CHILDREN

School psychologists are trained to provide a wide variety of preventative and direct services to all students and their families in addition to assessment. Such services include consultation, counseling, research, parenting programs, and application of systems intervention and organizational development. NASP supports education and mental health legislation which recognizes a full range of school psychological services for all children.

ASSURE THAT ASSESSSMENT PRACTICES ARE IN THE BEST INTERESTS OF CHILDREN AND YOUTH

Assessment of students in schools must be administered in ways which assure protections from malpractices in testing and placement. Results of such assessment should not be used to limit development or discriminate against students by race, sex, age or handicap. NASP will not support legislation involving assessment of students which is discriminatory or fails to recognize that the ultimate use of such assessment is to help students achieve educational success.

PROVIDE APPROPRIATE EDUCATIONAL SERVICES FOR ALL CHILDREN

With national standards for excellence being raised, increasing numbers of students are at risk for school failure. Without educational options in the regular education program, many of these students may be identified as handicapped. NASP supports an increase in the flexibility of educational options designed to meet the needs of students with diverse learning styles. Educational options must be based on the individual psychoeducational needs of each student. In order to achieve an increase in regular education options, NASP supports an examination of current funding mechanisms and development and funding of alternative service delivery models.

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MAINTAIN AND EXTEND PROTECTIONS AND SAFEGUARDS FOR HANDICAPPED STUDENTS AND STUDENTS IN NEED OF ALTERNATIVE SERVICE OPTIONS

NASP supports a continuation of protections and safeguards for handicapped students as contained in PL 94-142 and will oppose legislative and regulatory efforts to remove guarantees of a free and appropriate education, the right to due process, protection of students' and parents' rights, the individualization of program based on assessed needs, and to reduce funding for programs and services to maintain these protections and safeguards. NASP will support and encourage regulations that will extend these protections and safeguards to all children in need of alternative service options within regular education.

ASSURE PROVISION OF APPROPRIATE MENTAL HEALTH SERVICES IN THE SCHOOL SETTING

Rapid changes in our society are putting increased demands and stresses on schools, families and children. Some children are unable to learn as expected because of emotional problems. It is necessary to deal with childrens' mental health through prevention and intervention programs in schools. Staff trained to provide appropriate mental health services should be available in all schools. Legislation should reflect provision of appropriate mental health services in schools by trained professionals and should require coordination of school-based efforts with those of state and local agencies which direct or provide mental health and social services.

PROVIDE INITIATIVES IN RESEARCH AND FUNDING FOR SCHOOL PROGRAMS FOR AT-RISK CHILDREN

Many children of poverty, of minorty status, and of bilingual heritage are known to be at-risk for school failure. Demographers show that this at-risk population is increasing in public schools at a rapid rate. Without interventions, these children are at risk for failure throughout their school careers. NASP supports programs and legislation which provides research, funding for model programs and dissemination of information about programs to assist these children.

PROVIDE STUDENT PROGRAMS FOR TRANSITION TO THE WORKPLACE

Many students are leaving school without skills to effectively enter the workplace. Programs which could facilitate this entry include drop-out prevention, remedial education, career education, vocational training and school-business partnerships. NASP supports funding of training grants, model demonstration programs, and coordination of interprofessional activities related to transition of students to the workplace.

ABOLISH CORPORAL PUNISHMENT IN SCHOOLS

Research indicates that the use of corporal punishment is ineffective as a disciplinary method, can be easily abused, and impacts negatively on the social, educational and psychological development of children. NASP supports the abolition of corporal punishment in schools. NASP encourages state associations to work actively with other organizations to oppose this practice through legislative measures which reduce or eliminate corporal punishment in schools.

Prepared Statement of George J. Barendse, Superintendent, Mariposa County Unified School District

We welcome the opportunity to testify on HR 950, the bill to reauthorize programs of federal financial assistance to meet the needs of special education needs of educationally disadvantaged children.

We would like to present the concern of small rural districts such as ours that there may be a restructuring of the distribution of funds away from small rural districts with fewer eligible students.

Our needs, as far as number of students, may not be as great as other, more urban, districts. However, the needs of the individual students in our district who qualify for chapter 1 funds are certainly no less than the needs of other qualifying students. And our resources as a rural district are particularly limited. Our tax base is reduced because of the high percentage of federal land on which we cannot collect property taxes.

Federal in-lieu funds (PL 874) have been reduced over the past ten years from about $500,000 to $200,000. We are also threatened this year by the possible reduction in our share of the federal timber receipts which provide us nearly $200,000.

We believe that chapter 1 funds should be evenly distributed regardless of the percentage of eligible students in each district. To restructure these funds in favor of urban areas would certainly be unfair to the disadvantaged students who live within rural school districts which are so pressed for funds already.